

**§ 585. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1918.**

The provisions of section 4 of the joint resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress) [section 404 of this Appendix], and the provisions of section 13 of the Selective Training and Service Act of 1940 [section 313 of this Appendix], shall not be applicable with respect to any military service performed after the date of enactment of this Act [sections 501-548, 560-590 of this Appendix]. (Oct. 17, 1940, ch. 888, § 605, 54 Stat. 1191.)

**ARTICLE VII.—FURTHER RELIEF**

**§ 590. Stay of enforcement of obligations, liabilities, taxes, etc.**

(1) A person may, at any time during his period of military service or within six months thereafter, apply to a court for relief in respect of any obligation or liability incurred by such person prior to his period of military service or in respect of any tax or assessment whether falling due prior to or during his period of military service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected by reason of his military service, may grant the following relief:

(a) In the case of an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, a stay of the enforcement of such obligation during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period equal to the period of the remaining life of the installment contract or other instrument plus a period of time equal to the period of military service of the applicant, or any part of such combined period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, as the case may be, in equal installments during such combined period at such rate of interest on the unpaid balance as is prescribed in such contract, or other instrument evidencing the obligation, for installments paid when due, and subject to such other terms as may be just.

(b) In the case of any other obligation, liability, tax, or assessment, a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period of time equal to the period of military service of the applicant or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of such period of military service or the date of application, as the case may be, in equal periodic installments during such extended period at such rate of interest as may be prescribed for such obli-

tion, liability, tax, or assessment, if paid when due, and subject to such other terms as may be just.

(2) When any court has granted a stay as provided in this section no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which such stay was granted. (Oct. 17, 1940, ch. 888, § 700, as added Oct. 6, 1942, ch. 581, § 18, 56 Stat. 777.)

**FIRST WAR POWERS ACT, 1941**

**ACT DECEMBER 18, 1941, CH. 593, 55 STAT. 838**

**TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT**

Sec.

- 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations
- 602. Same; consolidation of offices; transfer of duties, personnel, and records.
- 603. Expenditures of appropriations for bureaus, offices, etc.
- 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.
- 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

**TITLE II.—CONTRACTS**

- 611. War contracts exempt from certain restrictions upon authorization by President.

**TITLE III.—TRADING WITH THE ENEMY**

- 616. Amendment of section 5 of this Appendix and section 95a of Title 12.
- 617. Confirmation of certain acts, etc., made under sections 1-6 and 7-38 of this Appendix.
- 618. Censorship of communications; penalties and forfeitures.
- 619. Addition of section 32 of this Appendix.
- 620. Addition of sections 33-37 of this Appendix.

**TITLE IV.—TIME LIMIT AND SHORT TITLE**

- 621. Termination of sections 601-605, and 611 of this Appendix.
- 622. Short title.

**TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT**

- § 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.

For the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the Army and Navy, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry

out the purposes of this title [sections 601-605 of this Appendix], and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be published in accordance with the Federal Register Act of 1935 [sections 301-310, 311-314 of Title 44]: *Provided*, That the termination of this title [sections 601-605 of this Appendix], shall not affect any act done or any right or obligation accruing or accrued pursuant to this title [sections 601-605 of this Appendix] and during the time that this title [sections 601-605 of this Appendix], is in force: *Provided further*, That the authority by this title [sections 601-605 of this Appendix], granted shall be exercised only in matters relating to the conduct of the present war: *Provided further*, That no redistribution of functions shall provide for the transfer, consolidation, or abolition of the whole or any part of the General Accounting Office or of all or any part of its functions. (Dec. 18, 1941, ch. 593, title I, § 1, 55 Stat. 838.)

#### TRADING WITH ENEMY ACT AMENDMENT

Section 301 of act Dec. 18, 1941, cited to text, amended the Trading With Enemy Act and is set out at section 5 of this Appendix and section 95a of Title 12, Banks and Banking.

#### EXECUTIVE ORDERS AND PROCLAMATION COORDINATING BUREAUS, OFFICES, ETC.

##### Ex. Ord.

- Nos.
- 9069. Consolidation of Agencies Within Department of Agriculture.
  - 9070. Consolidation of Housing Agencies and Functions Into National Housing Agency.
  - 9071. Transfer of Functions of Federal Loan Agency to Department of Commerce.
  - 9082. Reorganization of Army and Transfer of Functions Within War Department.
  - 9083. Redistribution of Maritime Functions.
  - 9096. Navy Department and Naval Service Reorganization.
  - 9126. Hydrographic Office and Naval Observatory Functions Transfer to Chief of Naval Operations.
  - 9177. Emergency Purchases of War Material Abroad.
  - 9198. Transfer of Merchant Marine Training Functions.
  - 9204. Coordination of Federal Activities Affecting the Fishery Industry.
  - 9232. Transfer of Certain Functions of Work Projects Administration to Bureau of Census.
  - 9245. Transferring to Secretary of Interior Functions of U. S. Commissioner to Philippines.
  - 9247. Transfer of Certain Employment Service and Training Functions to War Manpower Commission.
  - 9262. Secretary of Navy Authorized to Exercise Certain Additional Powers and Functions.
  - 9280. Delegating Authority With Respect to Nation's Food Program.
  - 9287. Transferring Certain Functions From Council of National Defense to Secretary of Interior.
  - 9302. Transferring to Commissioner of Internal Revenue Certain Functions Relating to Taxes and Penalties for Violation of National Prohibition Act.
  - 9310. Transferring Nutrition Functions of Office of Defense Health and Welfare Services to Department of Agriculture.
  - 9312. Defining the Foreign Information Activities of Office of War Information.
  - 9315. Transferring Certain Functions From the President to the Secretary of Agriculture.
  - 9322. War Food Administration.
  - 9327. Handling of Governmental Problems in Congested Production Areas.
  - 9330. Transferring Certain Central Administrative Services of the Office for Emergency Management.
  - 9332. Establishing Solid Fuels Administration for War.

##### Ex. Ord.

##### Nos.

- 9338. Abolishing the Office of Defense Health and Welfare Services and Transferring Its Functions to the Federal Security Agency.
- 9339. Transfer of Civil Air Patrol From Office of Civilian Defense to Department of War.
- 9347. Office of War Mobilization.
- 9357. Transferring Functions of Public Works Administration to the Federal Works Administrator.
- 9361. Supplementing Executive Order Establishing Office of War Mobilization and Providing for the Unifying of Foreign Economic Affairs.
- 9363. Redistribution of Certain Functions of the Secretary of War and the Judge Advocate General With Respect to Certain Court Martial Cases.
- 9380. Foreign Economic Administration.
- 9385. Foreign Food Procurement and Development.
- 9406. Transfer of Functions Respecting Necessity Certificates from Secretaries of War and Navy to Chairman of War Production Board.
- 9417. War Refugee Board.
- 9418. Authorizing the War Food Administration To Place Orders With Other Agencies for Materials or Services To Be Obtained by Contract or Otherwise.
- 9423. Transfer of War Relocation Authority to the Department of the Interior.
- 9425. Surplus War Property Administration Established.
- 9427. Retraining and Reemployment Administration.
- 9440. Authorizing the Reconstruction Finance Corporation To Place Orders With Other Agencies for Materials or Services To Be Obtained by Contract or Otherwise.
- 9475. Transferring the Functions and Responsibilities of the Rubber Director.
- 9495. Extension of Executive Order No. 9177 to the United States Maritime Commission and the Administration of the War Shipping Administration.
- 9528. Amending Ex. Ord. No. 9096 to Provide a Change in the Order of Succession of Officers to Act as Secretary of the Navy.
- 9541. Transferring the Office of Surplus Property of the Procurement Division of the Department of the Treasury to the Department of Commerce.
- 9577. Termination of the War Food Administration and Transferral of its Functions to the Secretary of Agriculture.
- 9596. Revoking Executive Order No. 9528 Which Provided a Change in the Order of Succession of Officers to Act as Secretary of the Navy.
- 9608. Termination of the Office of War Information.
- 9614. Termination of the War Refugee Board.
- 9617. Transfer of Certain Agencies and Functions to the Department of Labor.
- 9621. Termination of the Office of Strategic Services and Disposition of Its Functions.
- 9630. Redistribution of Foreign Economic Functions and Functions With Respect to Surplus Property in Foreign Areas.
- 9638. Creation of the Civilian Production Administration and Termination of the War Production Board.
- 9649. Termination of the Office of Fishery Coordination.
- 9674. Liquidation of War Agencies.
- 9722. Reassignment of the Functions of the Service of Supply Command and the Commanding General, Service of Supply.
- 9742. Termination and Liquidation of the War Relocation Authority.
- 9744. Termination of the Office of the Director of Liquidation.
- 9768. Extension of Ex. Ord. No. 9177 to Secretary of Commerce.
- 9809. Disposition of Certain War Agencies.
- Proc. No. 2714. Cessation of Hostilities of World War II.

#### EX. ORD. NO. 9069. CONSOLIDATION OF AGENCIES WITHIN DEPARTMENT OF AGRICULTURE

Ex. Ord. No. 9069, Feb. 23, 1942, 7 F. R. 1409, provided: 1. (a) The Surplus Marketing Administration (including the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture), the Agricultural Mar-

keting Service (except the Agricultural Statistics Division), and the Commodity Exchange Administration of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Marketing Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

(b) The Agricultural Statistics Division of the Agricultural Marketing Service, Department of Agriculture, and its functions and the personnel, property, and records used primarily in the administration of its functions are transferred to the Bureau of Agricultural Economics of the Department of Agriculture.

2. The Agricultural Adjustment Administration, the Soil Conservation Service, the Federal Crop Insurance Corporation, and the Sugar Division of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Conservation and Adjustment Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

3. The Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, the Bureau of Agricultural Chemistry and Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Home Economics, the Office of Experiment Stations, and the Beltsville Research Center of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Research Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

4. All libraries administered by agencies of the Department of Agriculture and all units of the Department providing library and bibliographical service and their functions, personnel, property, and records are consolidated and shall be administered through such facilities of the Department as the Secretary of Agriculture shall designate.

5. So much of the unexpended balances, appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by this order or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

6. This order shall remain in force during the continuance of the present war and for six months after termination thereof.

**EX. ORD. NO. 9070. CONSOLIDATION OF HOUSING AGENCIES AND FUNCTIONS INTO NATIONAL HOUSING AGENCY**

Ex. Ord. No. 9070, Feb. 24, 1942, 7 F. R. 1529, as amended by Ex. Ord. No. 9821, Jan. 13, 1947, 12 F. R. 207, eff. Dec. 15, 1946, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are consolidated into a National Housing Agency and shall be administered as hereinafter provided under the direction and supervision of a National Housing Administrator:

(a) The Federal Housing Administration and its functions, powers, and duties, including those of the Administrator thereof.

(b) All functions, powers, and duties of the Federal Home Loan Bank Board and of its members.

(c) The Home Owners Loan Corporation and the functions, powers, and duties of its Board of Directors.

(d) The Federal Savings and Loan Insurance Corporation and the functions, powers, and duties of its Board of Trustees.

(e) The United States Housing Authority and its functions, powers, and duties, including those of the Administrator thereof.

(f) All functions, powers, and duties relating to defense housing of (1) the Federal Works Administrator under the act of October 14, 1940, entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," as amended [sections 1521-1523 of Title 42], and under acts making appropriations to carry out the purposes of said act, (2) the War Department and the Navy Department with respect to housing units for persons (with families) engaged in national defense activities (except housing units located on military or naval reservations, posts, or bases) under Title IV of the Naval Appropriation Act for the fiscal year 1941, and (3) any agencies heretofore designated (including the Federal Works Agency and the Farm Security Administration) to provide temporary shelter in defense areas under the Urgent Deficiency Appropriation Act, 1941 [section 60a of Title 2, sections 721-728 of Title 15, note under section 1523 of Title 42], and the Additional Urgent Deficiency Appropriation Act, 1941 [note under section 1523 of Title 42], and the Third Supplemental National Defense Appropriation Act, 1942 [section 222 of Title 5, section 412 note of Title 22, section 41 note of Title 24, section 529h of Title 31, section 498c-4, 498c-5 and note, section 1523 note of Title 42].

(g) All functions, powers, and duties of the Farm Security Administration relating to such housing projects as such Administration determines are for families not deriving their principal income from operating or working upon a farm.

(h) The Defense Homes Corporation and its functions, powers, and duties, including those of its officers and Board of Directors.

(i) All functions, powers, and duties of the Federal Loan Administrator, the Federal Works Administrator, and the head of any department or other agency relating to the administration or supervision of the agencies, functions, powers, and duties transferred hereunder.

(j) All functions, powers, and duties of the Division of Defense Housing Coordination established by Executive Order No. 8632 of January 11, 1941, and of the Coordinator of Defense Housing: *Provided*, That such Division and such Coordinator shall continue to exercise such functions, powers, and duties until the appointment or designation of the National Housing Administrator.

(k) All powers, rights, privileges, duties, and functions transferred to the Federal Works Administrator by Executive Order No. 8186 of June 29, 1939:

*Provided*, That with respect to any functions, powers, and duties enumerated in sub-paragraphs (f) and (g) above, any agency now engaged in the construction or management of any project shall continue such activities on behalf of the National Housing Agency until such time as the National Housing Administrator shall determine that it is expedient for the Federal Public Housing Authority, herein provided for, to discharge such functions, powers, and duties with respect to such project through its own facilities.

2. The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate. Pending such appointment, an existing officer of the Government designated by the President shall act as National Housing Administrator.

3. There shall be three main constituent units in the National Housing Agency. Each such unit shall be administered by a commissioner acting under the direction and supervision of the National Housing Administrator. The unit administering the Federal Housing Administration and its functions, powers, and duties shall be known as the Federal Housing Administration, and the Federal Housing Administrator shall serve as Federal Housing Commissioner. The unit administering the functions, powers, and duties of the Federal Home Loan Bank Board and its members shall be known as the Federal Home Loan Bank Administration, and the Chairman of the Federal Home Loan Bank Board shall serve as Federal Home Loan Bank Commissioner. The United States Housing Authority and

its functions, powers, and duties shall be administered as the Federal Public Housing Authority, one of the main constituent units, and the Administrator of the United States Housing Authority shall serve as Federal Public Housing Commissioner. The agencies, functions, powers, and duties enumerated in sub-paragraphs (c), (d), and (k) of paragraph 1 shall be administered in the Federal Home Loan Bank Administration, and those enumerated in sub-paragraphs (f) and (g) shall be administered in the Federal Public Housing Authority. The agency, functions, powers, and duties enumerated in sub-paragraph (h) of paragraph 1 shall also be administered by the Federal Public Housing Commissioner. The Administrator of the National Housing Agency may centralize in the office of the National Housing Administrator such budget, personnel, legal, procurement, research, planning, or other administrative services or functions common to the said constituent units as he may determine.

4. The capital stock of the Defense Homes Corporation shall be transferred from the Federal Loan Administrator to the National Housing Administrator, and the Federal Loan Administrator and the Defense Homes Corporation shall take all necessary action to effectuate such transfer and carry out the purposes hereof.

5. The Central Housing Committee is hereby abolished, and all of its assets, contracts, property (including office equipment and records), and unexpended balances of funds available for its use are hereby transferred to the National Housing Agency.

6. All assets, contracts, and property (including office equipment and records) of any agency hereby consolidated, and all assets, contracts, and property (including office equipment and records) which other agencies, including departments, have been using primarily in the administration of any function, power, or duty hereby consolidated or transferred, are hereby transferred, respectively, with such agency, function, power or duty.

7. Except as provided in paragraph 8, hereof, (1) all personnel of any agency hereby consolidated, and (2) all personnel of other agencies, including departments, who have been engaged primarily in the administration of any function, power, or duty hereby consolidated or transferred and who within thirty days after the appointment or designation of the National Housing Administrator are jointly certified for transfer by said Administrator and the head of the department or agency to which such personnel is attached, shall be transferred, respectively, with such agency, functions, power or duty; but any personnel transferred with functions, powers, or duties pursuant to this paragraph who are found by the National Housing Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be re-transferred under existing law to other positions in the Government or separated from the service.

8. The following personnel are not transferred hereunder: (1) The Directors and Officers of the Defense Homes Corporation, (2) the members of the Federal Home Loan Bank Board other than the Chairman, (3) the Directors of the Home Owners' Loan Corporation, and (4) the Trustees of the Federal Savings and Loan Insurance Corporation. The offices of the foregoing personnel excepted from transfer by this paragraph (except in the case of the Defense Homes Corporation) are hereby vacated for the duration of this order: *Provided*, That the offices of the members of the Federal Home Loan Bank Board shall not be vacated until sixty days from the date of this order. The personnel of the Division of Defense Housing Coordination and of the Central Housing Committee are not transferred hereunder, except that the National Housing Administrator, within 60 days after his appointment or designation, may take over such of this personnel as are needed. During such period, all personnel of such Division and of such Committee may be retained by them in connection with the winding up of their affairs.

9. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds (not otherwise transferred hereunder) available for the use of any agency in the exercise of any function, power, or duty consolidated by this order, or for the use of the head of any department or agency in the exercise of any such function, power, or duty, as the Director of the

Bureau of the Budget shall determine (with the approval of the President), shall be transferred, respectively, to the National Housing Agency or the main constituent unit therein concerned, for its use in connection with the exercise of the functions, powers, or duties, respectively, to be administered by it hereunder. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

10. All housing now owned by the United States and located on a military or naval reservation, post, or base is hereby transferred to the jurisdiction of the War or Navy Department, respectively, having jurisdiction of such reservation, post or base: *Provided*, That with respect to all housing developed by the War or Navy Department under Title II of Public 671, approved June 28, 1940 [section 1262a of Title 10, section 546e of Title 34, sections 1151-1161 of this Appendix, and sections 1501-1505 of Title 42], the Federal Public Housing Authority shall take all necessary steps to transfer such jurisdiction and carry out the purpose hereof, including the transfer of title to the United States and including repayment (out of any funds available therefor) of the cost of such housing for reimbursement of the Bond Account from which funds were transferred to pay such costs.

11. The Director of the Bureau of the Budget shall allocate to the National Housing Agency, from appropriations, authorizations, allocations, or other funds available for the administrative expenses of the Federal Loan Agency and the Federal Works Agency (relating to the administration of the agencies and functions transferred therefrom hereunder) and of the agencies and functions, powers, and duties consolidated hereunder, such sums, and in such proportions, as he may find necessary for the administrative expenses of the National Housing Agency. None of the agencies established or consolidated hereunder shall incur any obligations for administrative expenses except pursuant to appropriations, allocations, or other authorizations of funds specifically available now or hereafter for administrative expenses.

12. The National Housing Administrator may appoint necessary personnel and make necessary expenditures to carry out the functions, powers, and duties of the National Housing Agency. The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. Until the appointment or designation of a National Housing Administrator, the Commissioners respectively shall exercise such of the functions, powers, and duties of the National Housing Administrator as relate to the agencies, functions, powers, and duties to be administered by such Commissioners respectively.

13. Nothing herein shall impair or affect any outstanding obligations or contracts of any agency consolidated hereunder or of the United States of America (including its pledge of faith to the payment of all annual contributions now or hereafter contracted for pursuant to the United States Housing Act, as amended) [sections 1401-1406, 1407-1430 of Title 42], or of any Insurance Funds created under the National Housing Act [section 371 et seq. of Title 12].

14. All orders, rules, regulations, permits, or other privileges made, issued or granted by or in respect of any agency, function, power, or duty consolidated hereunder shall continue in effect to the same extent as if such consolidation had not occurred until modified, superseded, or repealed, except that the regulations of January 11, 1941, relating to defense housing coordination shall hereby be revoked upon the appointment or designation of the National Housing Administrator.

15. All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

16. Transfers of available funds under this order shall include funds available for the fiscal year ending June 30, 1943.

17. This order shall become effective as of the date hereof and shall be in force and effect so long as Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], remains in force.

**EX. ORD. NO. 9071. TRANSFER OF FUNCTIONS OF FEDERAL LOAN AGENCY TO DEPARTMENT OF COMMERCE**

Ex. Ord. No. 9071, Feb. 24, 1942, 7 F. R. 1531, which provided for the transfer of functions of the Federal Loan Agency to the Department of Commerce was superseded by sections 1801-1805 of Title 12, Banks and Banking which reestablished the Agency as an independent agency of the Federal Government administered by the Federal Loan Administrator.

**EX. ORD. NO. 9082. REORGANIZATION OF ARMY AND TRANSFER OF FUNCTIONS WITHIN WAR DEPARTMENT**

Ex. Ord. No. 9082, Feb. 28, 1942, 7 F. R. 1609, provided:

Under and by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) [sections 601-605 of this Appendix], and as Commander-in-Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

1. The Army of the United States is reorganized to provide under the Chief of Staff a ground force, under a Commanding General, Army Ground Forces; an air force, under a Commanding General, Army Air Forces; and a service of supply command, under a Commanding General, Services of Supply; and such overseas departments, task forces, base commands, defense commands, commands in theaters of operations, and other commands as the Secretary of War may find to be necessary for the national security.

2. The functions, duties, and powers of the chiefs of the following-named branches of the Army of the United States are transferred to the Commanding General, Army Ground Forces: Infantry, Cavalry, Field Artillery, and Coast Artillery Corps (except those relating to procurement, storage, and issue).

3. The functions, duties, and powers of the Commanding General, General Headquarters Air Force (Air Force Combat Command) and of the Chief of the Air Corps are transferred to the Commanding General, Army Air Forces.

4. The functions, duties, and powers of the Chief of Coast Artillery relating to procurement, storage, and issue are transferred to the Commanding General, Services of Supply.

5. Any officers holding offices the functions, duties, and powers of which are transferred by this order shall be reassigned to suitable duties but shall continue to hold their respective offices until vacated.

6. The Secretary of War is authorized and directed to prescribe such functions, duties, and powers of the commanders of the various forces and commands of the Army of the United States and the agencies of the War Department and to issue from time to time such detailed instructions regarding personnel, funds, records, property, routing of correspondence, and other matters as may be necessary to carry out the provisions of this order. Such duties by the Secretary of War are to be performed subject always to the exercise by the President directly through the Chief of Staff of his functions as Commander-in-Chief in relation to strategy, tactics, and operations.

7. This order shall become effective on March 9, 1942, and shall remain in force during the continuance of the present war and for six months after the termination thereof.

[Reassignment of functions of Services of Supply, see Ex. Ord. No. 9722, set out as a note under this section.]

**EX. ORD. NO. 9083. REDISTRIBUTION OF MARITIME FUNCTIONS**

Ex. Ord. No. 9083, Feb. 28, 1942, 7 F. R. 1609, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], approved December 18, 1941, and in order to expedite the prosecution of the war effort, it is hereby ordered as follows:

**TRANSFER OF FUNCTIONS OF BUREAU OF MARINE INSPECTION AND NAVIGATION**

**SECTION 1.** As provided in Sections 2 and 3 of this order, there are transferred to the Bureau of Customs and the United States Coast Guard all functions of: the Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, the Marine Boards, and those functions of the Secretary of Commerce which pertain thereto.

**FUNCTIONS TRANSFERRED TO BUREAU OF CUSTOMS**

**SEC. 2.** Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entrance and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such Bureau, Offices and Boards which are now performed by the Bureau of Customs on behalf thereof; and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions, are transferred to the Commissioner of Customs, to be exercised by him under the direction and supervision of the Secretary of the Treasury.

**FUNCTIONS TRANSFERRED TO U. S. COAST GUARD**

**SEC. 3.** Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of log books; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such Bureau, Offices and Boards which are not specified in Section 2; and all other functions of the Secretary of Commerce pertaining to shipping which are not specified in Section 2, including the remission and mitigation of fines, penalties and forfeitures incurred under the laws governing these functions and those incurred under Public Law 351 of the 77th Congress [Title 47, § 353 note], are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy.

**TRANSFER OF FUNCTIONS FROM BUREAU OF CUSTOMS**

**SEC. 4.** Those functions relating to the award of numbers to undocumented vessels, now vested in the Collectors of Customs, are transferred to the Commandant of the Coast Guard to be exercised by him under the direction and supervision of the Secretary of the Navy.

[The transfer of functions effected by sections 1-4 of this Executive Order were continued on a permanent basis by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16,

1946, 11 F. R. 7875, 60 Stat. 1097, set out in note to section 133y-16 of Title 5. See also note to section 1 of Title 46.]

TRANSFER OF TRAINING FUNCTIONS FROM MARITIME  
COMMISSION

SEC. 5. Those functions of the United States Maritime Commission pertaining to establishing, developing, and operating the United States Maritime Service and the cadet and cadet officer training program; the prescribing of extension and correspondence courses, including the printing, publishing, and purchasing of textbooks, equipment and supplies required for such courses; the examination, inspection, rating, and certification of civilian nautical schools; the furnishing, maintaining, and repairing of vessels for the State Marine or Nautical Schools and administering grants of funds for the support of such schools and the jurisdiction over vessels, apparel, charts, books, and instruments loaned to such schools, are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy.

[Functions transferred by this section to Commandant of the United States Coast Guard were transferred to the Administrator of War Shipping Administration by Ex. Ord. No. 9198, also set out under this section.]

AUTHORITY TO WAIVE NAVIGATION AND VESSEL INSPECTION  
LAWS

SEC. 6. The authority vested in the Secretary of Commerce by Executive Order No. 8976 [set out following section 635 of this Appendix], December 12, 1941, to waive compliance with the navigation and vessel inspection laws is transferred to the Secretary of the Navy and the Secretary of the Treasury, who shall exercise such authority with respect to the functions transferred to the United States Coast Guard and the Bureau of Customs, respectively.

TRANSFER OF RECORDS, PROPERTY AND PERSONNEL

SEC. 7. All records and property (including office equipment and floating equipment) of the Bureau of Marine Inspection and Navigation, the Department of Commerce, the Collectors of Customs, and the United States Maritime Commission used primarily in the administration of functions transferred by this order, and all personnel used primarily by these agencies in the administration of such functions are transferred to the respective agencies concerned, for use in the administration of the functions transferred by this order.

TRANSFER OF FUNDS

SEC. 8. So much of the unexpended balances of appropriations, allocations, or other funds available or to be made available for the use of any agency in the exercise of any function transferred by this order, or for the use of the head of any agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this order shall be restricted to the purposes for which such monies were appropriated.

EFFECTIVE AND TERMINATION DATES

SEC. 9. This order shall become effective on March 1, 1942, and remain in force until the termination of Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix].

EX. ORD. NO. 9096. NAVY DEPARTMENT AND NAVAL SERVICE  
REORGANIZATION

Ex. Ord. No. 9096, Mar. 12, 1942, 7 F. R. 2075, as amended by Ex. Ord. No. 9528, Mar. 2, 1945, 10 F. R. 2491; Ex. Ord. No. 9596, Aug. 14, 1945, 10 F. R. 10071, set out as a note under this section, was revoked by Ex. Ord. No. 9635, set out as a note under section 411 of Title 5, Executive Departments and Government Officers and Employees.

EX. ORD. NO. 9126. HYDROGRAPHIC OFFICE AND NAVAL OBSERVATORY FUNCTIONS TRANSFER TO CHIEF OF NAVAL OPERATIONS

Ex. Ord. No. 9126, Apr. 4, 1942, 7 F. R. 2753, provided: By virtue of the authority vested in me by Title 1 of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) [sections 601-605 of this Appendix], and for the more effective exercise and more efficient administration of my powers as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The duties and functions of the Hydrographic Office and Naval Observatory, Bureau of Navigation, Navy Department, are hereby transferred to the cognizance and jurisdiction of the Chief of Naval Operations under the direction of the Secretary of the Navy.

2. All personnel, together with the whole of the records and public property now under the cognizance of the Bureau of Navigation in the Hydrographic Office and the Naval Observatory are assigned and transferred to the Office of Chief of Naval Operations.

[This transfer of functions was made permanent by 1946 Reorg. Plan No. 3, § 301, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1099, set out in note to section 133y-16 of Title 5.]

EX. ORD. NO. 9177. EMERGENCY PURCHASES OF WAR  
MATERIAL ABROAD

Ex. Ord. No. 9177, May 30, 1942, 7 F. R. 4195, provided:

1. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation are each authorized to exercise the functions, powers and duties heretofore vested in the Secretary of the Navy by that provision of an act approved June 30, 1914 (38 Stat. 399; 34 U. S. C. § 568), which reads as follows:

*"Provided*, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad, this material shall be admitted free of duty."

2. The Commissioner of Customs, with the approval of the Secretary of the Treasury, shall issue regulations governing the entry and admission free of duty of articles as to which an officer or the agency designated in section 1 of this order shall make a certificate to him in the following form:

*"The procurement of this material constituted an emergency purchase of war material abroad and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (34 U. S. C. § 568) and Executive Order No. 9177."*

3. The authority herein conferred, including the authority to execute the certificate set forth in section 2 of this order, may be exercised by the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agency designated by them for those purposes, or, in the case of the Secretary of Agriculture by and through such corporations in the Department of Agriculture as are under the direction and supervision of the Secretary of Agriculture and in the case of the Reconstruction Finance Corporation, by and through one or more of its subsidiary corporations. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agency or such corporation or corporations subsidiary to the Reconstruction Finance Corporation or under the direction and supervision of the Secretary of Agriculture to make further delegations of such powers and authority within their respective departments and agency, and within such corporation or corporations.

4. This order shall become effective as of the date hereof, shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941, and



shall authorize or ratify any emergency purchase of war materials abroad heretofore or hereafter made by or for the account of any of the said departments, the said agency, or such corporations, and any such war material so purchased may be entered, or withdrawn from warehouse, for consumption free of duty during the effective period of this order.

5. Any provision of any Executive Order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

*Transfer of functions.* Functions, powers and duties and outstanding contracts and obligations relating to activities and transactions in foreign countries vested in the Secretary of Commerce and Reconstruction Finance Corporation, or any corporation created by the Reconstruction Finance Corporation to handle such activities, transferred to the Office of Economic Warfare, see Ex. Ord. No. 9361, set out as a note under this section.

**EX. ORD. NO. 9198. TRANSFER OF MERCHANT MARINE TRAINING FUNCTIONS**

Ex. Ord. No. 9198, July 11, 1942, 7 F. R. 5383, was omitted under authority of act July 8, 1946, ch. 543, title II, § 202, 60 Stat. 501, set out as a note under section 1291 of this Appendix, which terminated the War Shipping Administration and transferred its functions to the United States Maritime Commission.

**EX. ORD. NO. 9204. COORDINATION OF FEDERAL ACTIVITIES AFFECTING THE FISHERY INDUSTRY**

Ex. Ord. No. 9204 July, 21, 1942, 7 F. R. 5657, was omitted under authority of Ex. Ord. No. 9649, set out as a note under this section, which terminated the Office of Fishery Coordination and the office of Fishery Coordinator.

**EX. ORD. NO. 9232. TRANSFER OF CERTAIN FUNCTIONS OF WORK PROJECTS ADMINISTRATION TO BUREAU OF CENSUS**

Ex. Ord. No. 9232, Aug. 20, 1942, 7 F. R. 6667, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354—77th Congress) [sections 601–605 of this Appendix], it is hereby ordered as follows:

1. The functions, records, property (including office equipment), personnel, and administration of the Sample Surveys Section of the Work Projects Administration, Federal Works Agency, are transferred to the Bureau of the Census, Department of Commerce.

2. This order shall become effective August 24, 1942.

**EX. ORD. NO. 9245. TRANSFERRING TO SECRETARY OF INTERIOR FUNCTIONS OF U. S. COMMISSIONER TO PHILIPPINES**

Ex. Ord. No. 9245, Sept. 16, 1942, 7 F. R. 7328 was repealed by Ex. Ord. No. 9616, set out as a note under section 1237 of Title 48, Territories and Insular Possessions.

**EX. ORD. NO. 9247. TRANSFER OF CERTAIN EMPLOYMENT SERVICE AND TRAINING FUNCTIONS TO WAR MANPOWER COMMISSION**

Ex. Ord. No. 9247, Sept. 17, 1942, 7 F. R. 7379, was omitted under authority of Ex. Ord. No. 9617, set out as a note under this section, which terminated the War Manpower Commission and transferred its functions to the Department of Labor and the Federal Security Administrator.

**EX. ORD. NO. 9262. SECRETARY OF NAVY AUTHORIZED TO EXERCISE CERTAIN ADDITIONAL POWERS AND FUNCTIONS**

Ex. Ord. No. 9262, Nov. 5, 1942, 7 F. R. 9105, provided: By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [section 601 et seq. of this Appendix], as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is hereby authorized to perform and exercise the same functions, powers, and duties, on behalf of the Navy Department, as are authorized to be performed and exercised by the Secretary of

War, on behalf of the War Department, by the provisions of subdivisions (a) and (b) of section 1 of the act entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (54 Stat. 712) [section 1171 of this Appendix], as continued in effect by Public Law 580, 77th Congress, approved June 5, 1942 [section 773 of this Appendix].

2. Any provision of any Executive order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

3. This order shall become effective as of the date hereof, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941 [section 601 et seq. of this Appendix].

**EX. ORD. NO. 9280. DELEGATING AUTHORITY WITH RESPECT TO NATION'S FOOD PROGRAM**

Ex. Ord. No. 9280, Dec. 5, 1942, 7 F. R. 10179, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to assume full responsibility for and control over the Nation's food program. In exercising such authority, he shall:

a. Ascertain and determine the direct and indirect military, other governmental, civilian, and foreign requirements for food, both for human and animal consumption and for industrial uses.

b. Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose.

c. Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs.

d. Take all appropriate steps to insure the efficient and proper distribution of the available supply of food.

e. Purchase and procure food for such Federal agencies, and to such extent, as he shall determine necessary or desirable, and promulgate policies to govern the purchase and procurement of food by all other Federal agencies: *Provided*, That nothing in this subsection shall limit the authority of the armed forces to purchase or procure food outside the United States or in any theater of war as such purchase and procurement shall be required by military or naval operations, or the authority of any other authorized agency to purchase or procure food outside the United States for rehabilitation or relief purposes abroad. Existing methods for the purchase and procurement of food by other Federal agencies shall continue until otherwise determined by the Secretary pursuant to this Executive Order.

2. The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies, and equipment necessary for carrying out the food program. Following consideration of these recommendations, the Chairman of the War Production Board shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priorities and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine.

3. Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate.

4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942, and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine; and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942. The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator.

5. In discharging his responsibility under this Executive Order with respect to the exportation of food, the Secretary shall collaborate with the other agencies concerned with the foreign aspects of the food program in the determination of plans, policies and procedures for the feeding of the peoples in foreign countries and the production and stockpiling of food for use abroad. With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942, the Secretary shall issue those directives which relate to the importation of food for human and animal consumption, and the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses. The Chairman of the War Production Board shall continue to issue all other directives which relate to the importation of materials, supplies, and equipment required for the war production program and the civilian economy. Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942, for the importation by overseas transportation of food for human or animal consumption and for industrial uses shall be similarly issued, and transmitted to the Administrator of War Shipping Administration for his guidance.

6. In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation service, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human or animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the Office of Defense Transportation shall take into consideration in determining traffic movements.

7. (a) To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942 is abolished effective as of the date of appointment of said advisory committee. The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1 (c) of this Executive Order. Such committee shall perform such other functions in connection with the food program as the Secretary may determine. The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate.

b. Section 1 of Executive Order No. 9024, dated January 16, 1942, is amended to provide that the Secretary shall be a member of the War Production Board.

8. The Secretary, in carrying out the responsibilities imposed on him by this Executive Order, may, subject to the provisions of this Executive Order, exercise the following powers in addition to the powers heretofore vested in him.

a. The power conferred upon the Department of Agriculture with respect to contracts by Executive Order No. 9023 of January 14, 1942.

b. The power conferred upon the President by Title III of the Second War Powers Act, 1942 [section 633 of this Appendix] insofar as it relates to priorities and allocations of (1) all food for human or animal consumption or for other use in connection with the food program, but excluding that food which has been determined to be available to the War Production Board for industrial purposes pursuant to Section 3 of this Executive Order; (2) those portions of non-food materials, supplies, and equipment which have been allocated by the War Production Board under Section 2 of this Order for carrying out the food program; (3) any other material or facility, when the Secretary determines that it is necessary, in order to carry out the provisions of this Executive Order, to exercise the priorities or allocation power with respect thereto: *Provided*, That in order to avoid overlapping and conflicting action, prior to taking action pursuant to item (3) hereof, the Secretary shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate. Contracts or orders, relating to the materials and facilities specified in this sub-section, made by the Secretary, or by any other officer or agency of the Government at the Secretary's direction, and subcontracts and suborders which the Secretary shall deem necessary or appropriate to the fulfillment of any such contract or order, are hereby declared to be necessary and appropriate to promote the defense of the United States. The Secretary may assign priorities with respect to deliveries under any such contract, order, subcontract or suborder, and he may require acceptance of and performance of any such contract, order, subcontract or suborder, in preference to other contracts or orders for the purpose of assuring such priority. Allocations of materials and facilities under this sub-section may be made by the Secretary in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest, to promote the national defense, and to carry out the provisions of this Executive Order.

c. The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467) [section 711 of this Appendix] and the Act of October 16, 1941 (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942 [section 721 of this Appendix], heretofore vested in the War Production Board by Executive Order No. 8942 of November 19, 1941, Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, with respect to the requisitioning of food for human or animal consumption.

d. The powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act, 1942 [former section 171a of this title].

e. The powers of taking over and operating facilities under section 120 of the National Defense Act of 1916 (39 Stat. 213) (50 U. S. C. § 80) and section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) [section 309 of this Appendix].

f. The powers with respect to antitrust prosecutions vested in the Chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress [section 1112 of this Appendix].

g. The power of inspection and audit of the war contractors (including the power of subpoena) under Title XIII of the Second War Powers Act, 1942 [sections 643-643c of this Appendix].

9. The Secretary is authorized to delegate any or all functions, responsibilities, powers (including the power of subpoena), authorities, or discretions conferred upon him



by this Executive Order to such person or persons within the Department of Agriculture as he may designate or appoint for that purpose. The Secretary may, except as otherwise provided herein, delegate to any appropriate Federal, state, or local governmental agency, officer, or employee, in such manner and for such periods of time as he shall deem advisable, the execution of any of the provisions of this Executive Order together with any powers of the Secretary under this Executive Order. To the fullest extent compatible with efficiency the Secretary shall utilize existing facilities and services of other governmental departments and agencies and may accept the services and facilities of any state or local governmental agency in carrying out his responsibilities defined hereunder.

10. As used herein, the term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine. For the purposes of this Executive Order, the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, hemp, flax fiber, and such other agricultural commodities and products as the President may designate.

11. In the event of any difference of view arising between the Secretary and any other officer or agency of the Government, in the administration of the provisions of this Executive Order, such difference of view shall be submitted for final decision to the President or such agent or agency as the President may designate.

12. The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

13. To facilitate the effective discharge of the Secretary's responsibility under this Executive Order, the following changes are made within the Department of Agriculture:

a. The Agricultural Conservation and Adjustment Administration (except the Sugar Agency), the Farm Credit Administration, the Farm Security Administration, and their functions, personnel, and property; the functions, personnel, and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production, the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the functions, personnel, and property established in or transferred to the Department by this Executive Order that are concerned primarily with the production of food, are consolidated into an agency to be known as the Food Production Administration of the Department of Agriculture. The Food Production Administration shall be under the direction and supervision of a Director of Food Production appointed by the Secretary.

b. The Agricultural Marketing Administration, the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and their functions, personnel, and property; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with regulatory activities; the functions, personnel, and the property of the Office of Agricultural War Relations concerned primarily with the distribution of food; and the functions, personnel, and property established in or transferred to the Department of Agriculture by this Executive Order that are concerned primarily with the distribution of food

are consolidated into an agency to be known as the Food Distribution Administration of the Department of Agriculture. The Food Distribution Administration shall be under the direction and supervision of a Director of Food Distribution appointed by the Secretary.

c. So much of the unexpended balances of appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by subsections a. and b. of this section or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer.

14. Any provision of any Executive Order or proclamation conflicting with this Executive Order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency which affect the subject matter of this Executive Order shall continue in full force and effect unless and until withdrawn or superseded by or under the direction of the Secretary under the authority of this Order. Nothing in this Order shall be construed to limit the powers exercised by the Economic Stabilization Director under Executive Order 9250 dated October 3, 1942, as amended. Nothing in this Order shall be construed to limit the power now exercised by the Price Administrator under the Emergency Price Control Act of 1942, Public Law 421, 77th Congress, as amended [sections 901-946 of this Appendix], or the Act of October 2, 1942, Public Law 729, 77th Congress [sections 961-971 of this Appendix].

[Transfer of functions. All powers, duties and functions vested in Secretary of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F. R. 10179, and Ex. Ord. No. 9250, Oct. 3, 1942, 7 F. R. 7871, with respect to Nation's wartime food program were transferred to and vested in the War Food Administration by Ex. Ord. 9322, Mar. 26, 1943, 8 F. R. 3807, as amended by Ex. Ord. 9334, Apr. 19, 1943, 8 F. R. 5423, set out as note under this section. War Food Administration was terminated and its functions transferred to Secretary of Agriculture by Ex. Ord. No. 9577, set out as a note under this section.]

#### EX. ORD. NO. 9287. TRANSFERRING CERTAIN FUNCTIONS FROM COUNCIL OF NATIONAL DEFENSE TO SECRETARY OF INTERIOR

Ex. Ord. No. 9287, Dec. 24, 1942, 7 F. R. 10900, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], it is ordered that all of the functions, duties, and powers vested in the Council of National Defense by section 8 of the Federal Explosives Act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (55 Stat. 863) [section 121 et seq. of Title 50], be, and they are hereby, transferred to and vested in the Secretary of the Interior, to be exercised by him or by such officers or employees of the Department of the Interior as he shall from time to time designate.

#### EX. ORD. NO. 9302. TRANSFERRING TO COMMISSIONER OF INTERNAL REVENUE CERTAIN FUNCTIONS RELATING TO TAXES AND PENALTIES FOR VIOLATION OF NATIONAL PROHIBITION ACT

Ex. Ord. No. 9302, Feb. 9, 1943, 8 F. R. 1871, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], and as President of the United States, it is ordered as follows:

1. The functions, duties, and powers of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act [Title 27] occurring prior

to the repeal of the Eighteenth Amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, [see note under section 132 of Title 5] are hereby transferred to the Commissioner of Internal Revenue, Department of the Treasury: *Provided*, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code.

2. All files and records of the Department of Justice used primarily in the administration of the functions transferred by this order are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions.

**EX. ORD. NO. 9310. TRANSFERRING NUTRITION FUNCTIONS OF OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES TO DEPARTMENT OF AGRICULTURE**

Ex. Ord. No. 9310, Mar. 6, 1943, 8 F. R. 2913, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], as President of the United States, and in order to enable the Secretary of Agriculture more effectively to carry out his responsibilities with respect to the Nation's food program, it is hereby ordered:

1. The functions, powers, and duties, with respect to nutrition, (a) of the Office of Defense Health and Welfare Services in the Office for Emergency Management of the Executive Office of the President (including all functions, powers, and duties of the Nutrition Division of the Office of Defense Health and Welfare Services), and (b) of the Director of the Office of Defense Health and Welfare Services, are transferred to the Department of Agriculture and shall be administered under the supervision and direction of the Secretary of Agriculture through such agency or agencies in the Department as the Secretary shall designate.

2. The personnel, property, and records used primarily in the administration of the functions, powers, and duties transferred by this Order are transferred to the Department of Agriculture. So much of the unexpended balances of appropriations, allocations, and other funds available for the use of the Office of Defense Health and Welfare Services in discharging the functions, powers, and duties transferred by this Order, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of Agriculture for use in connection with the exercise of the functions, powers and duties so transferred. In determining the amounts to be transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such appropriations, allocations, or other funds.

**EX. ORD. NO. 9312. DEFINING THE FOREIGN INFORMATION ACTIVITIES OF OFFICE OF WAR INFORMATION**

Ex. Ord. No. 9312, Mar. 9, 1943, 8 F. R. 3021, was omitted under authority of Ex. Ord. No. 9608, Aug. 31, 1945, 10 F. R. 11223, set out in note under this section, which abolished the Office of War Information.

**EX. ORD. NO. 9315. TRANSFERRING CERTAIN FUNCTIONS FROM THE PRESIDENT TO THE SECRETARY OF AGRICULTURE**

Ex. Ord. No. 9315, Mar. 15, 1943, 8 F. R. 3279, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, approved December 18, 1941 (55 Stat. 838) [section 601-605 of this Appendix], and deeming that such action will facilitate the prosecution of the war, it is ordered that all of the functions, duties, and powers vested in the President by section 4 of the act of June 29, 1936, 49 Stat. 2035, 2036 [section 434 of Title 40], be, and they are hereby, transferred to and vested in the Secretary of Agriculture.

**EX. ORD. NO. 9322. WAR FOOD ADMINISTRATION**

Ex. Ord. No. 9322, Mar. 26, 1943, 8 F. R. 3807, as amended by Ex. Ord. No. 9334, Apr. 19, 1943, 8 F. R. 5423; Ex. Ord. No. 9392, Oct. 28, 1943, 8 F. R. 14783, was omitted under authority of Ex. Ord. No. 9577, set out as a note under this section, which terminated the War Food Administration and transferred its functions to the Secretary of Agriculture.

**EX. ORD. NO. 9327. HANDLING OF GOVERNMENTAL PROBLEMS IN CONGESTED PRODUCTION AREAS**

Ex. Ord. No. 9327, Apr. 7, 1943, 8 F. R. 4685, was terminated by act June 28, 1944, ch. 301, title 1, § 101, 58 Stat. 535.

**EX. ORD. NO. 9330. TRANSFERRING CERTAIN CENTRAL ADMINISTRATIVE SERVICES OF THE OFFICE FOR EMERGENCY MANAGEMENT**

Ex. Ord. No. 9330, Apr. 16, 1943, 8 F. R. 5129, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. The fiscal functions performed by the Division of Central Administrative Services of the Office for Emergency Management with respect to the Office of Price Administration and the War Production Board in the District of Columbia and in the field (including but not limited to appropriation and allotment accounting, payroll preparation and administrative examination, certification and scheduling of vouchers, but not including procurement) are transferred to the Office of Price Administration and the War Production Board, respectively.

2. The function of recruitment of personnel in the field, performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission.

3. The function of classification of field positions which are subject to the grades and schedules of the Classification Act of 1923, as amended [sections 661-663, 664-669, 670-672, 673, and 674 of Title 5], performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission and shall be exercised in accordance with the following requirements:

(a) The Civil Service Commission shall promulgate standards for the proper classification of field positions in accordance with the grades and salaries prescribed by the Classification Act of 1923, as amended [sections 661-663, 664-669, 670-672, 673, and 674 of Title 5].

(b) The heads of the Office for Emergency Management, its constituent agencies, and the Office of Price Administration shall each, acting through his designated representatives, (1) allocate field positions in his agency to appropriate position classes in accordance with the standards promulgated by the Civil Service Commission, and (2) refer to the Commission for allocation such field positions as are not covered by the standards promulgated by the Commission.

(c) The Civil Service Commission shall (1) make necessary post audits to verify conformity of allocations with the standards promulgated by the Commission, and (2) report any erroneous allocations to the head of the agency concerned for correction or satisfactory explanation.

4. There is transferred, for use in connection with the functions transferred by this order, to the respective agencies to which such functions are transferred, so much, as the Director of the Bureau of the Budget shall determine, (a) of the personnel, records, and property (including office equipment) used in the administration of the functions so transferred, and (b) of the unexpended balances of appropriations, allocations, and other funds available for the administration of the functions so transferred. In determining the sums to be transferred, the said Director may include amounts to provide for the liquidation of obligations previously incurred against such balances of appropriations, allocations or other funds.

5. The transfers provided for in the foregoing paragraphs shall be effective on such date or dates as the Director of the Bureau of the Budget shall designate.

[Transfer of functions. The War Production Board, referred to in Ex. Ord. No. 9330, set out above, was terminated and its functions transferred to Civilian Production Administration by Ex. Ord. No. 9638, set out as a note under this section. Thereafter the Civilian Production Administration, the Office of Price Administration, and

other war agencies were consolidated into the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under this section.]

**EX. ORD. NO. 9332. ESTABLISHING SOLID FUELS ADMINISTRATION FOR WAR**

Ex. Ord. No. 9332, Apr. 19, 1943, 8 F. R. 5355, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Whenever used in this Order:

(a) The term "solid fuels" includes all forms of anthracite, bituminous, sub-bituminous, and lignitic coals (including packaged and processed fuels such as briquettes).

(b) The term "solid fuels industries" means the development, production, preparation, treatment, processing, storage, shipment, receipt, and distribution of solid fuels within the United States, its territories and possessions, but does not include the transportation of solid fuels.

(c) The term "transportation" means transportation as defined in the Interstate Commerce Act, as amended [section 1 et seq. of Title 49], and in Executive Orders Nos. 8989 and 9156.

(d) The terms "distribution" and "shipment" exclude transportation, and the terms "distribute" and "ship" exclude transport.

(e) The term "directive" includes order, regulation, and any other similar instrument.

2. There is established within the Department of the Interior a Solid Fuels Administration for War, at the head of which shall be a Solid Fuels Administrator, hereinafter referred to as the Administrator. The Secretary of the Interior shall serve ex-officio as Administrator.

3. The Administrator shall:

(a) Subject to the provisions of this Order, establish basic policies and formulate plans and programs to assure for the prosecution of the war the conservation and most effective development and utilization of solid fuels in the United States and its territories and possessions, issue necessary policy and operating directives to parties engaged in the solid fuels industries, and appoint such general, regional, local, or functional solid fuels industries committees or councils as the Administrator finds necessary: *Provided*, That no directive issued hereunder shall conflict with any directive which has heretofore been issued or may hereafter be issued (1) by the Chairman of the War Production Board pursuant to paragraph one of Executive Order No. 9125 of April 7, 1942, or (2) by the Chairman of the War Manpower Commission pursuant to Executive Orders Nos. 9139 of April 18, 1942, 9279 of December 5, 1942 [set out as note under section 310 of this Appendix], and 9301 of February 9, 1943 [set out as note under section 207 of Title 29].

(b) Serve, as far as practicable, as the liaison and channel of communication between parties engaged in the solid fuels industries and the several departments and agencies of the Federal Government on matters directly involving the functions of the Administrator.

(c) Obtain from the Departments of War and the Navy, the several divisions and branches of the War Production Board, such other Federal and state departments and agencies as may be appropriate, and from any other sources, private or governmental, any information, statistics, and data necessary to effectuate the purposes of this Order.

(d) (1) Prepare estimates as to the quantities of solid fuels which the Administrator deems necessary to meet direct and indirect military, and essential industrial and civilian requirements and submit such estimates with recommendations to the War Production Board.

(2) Recommend to the War Production Board any program for distribution of solid fuels which the Administrator deems necessary to meet direct and indirect military, and essential industrial requirements.

(3) Prepare and submit to the War Production Board recommendations as to the kinds and quantities of materials needed by parties engaged in the solid fuels industries to make available solid fuels in such quantities as the Administrator deems necessary to meet direct and

indirect military, and essential industrial and civilian requirements.

(e) Subject to the direction of the Chairman of the War Production Board, exercise the powers, authority, and the discretion conferred upon the Chairman by Paragraph 1 of Executive Order No. 9125 of April 7, 1942, by issuing, and taking appropriate action to enforce, such directives to the solid fuels industries as the Administrator may deem necessary, in order to:

(1) Provide adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements;

(2) Effect the proper distribution of such amounts of materials as the Chairman of the War Production Board may allot for the solid fuels industries.

(f) Compile data and make continuing surveys with respect to the effect of the prices charged for solid fuels upon the efficient wartime operations of the solid fuels industries and the maintenance of adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. On the basis of such surveys, the Solid Fuels Administrator shall consult with and recommend to the Price Administrator, for consideration in light of the provisions of the Emergency Price Control Act of 1942 [sections 901-946 of this Appendix], such upward or downward adjustments in the schedule of prices charged for solid fuels as will, in the judgment of the Solid Fuels Administrator, assure the efficient wartime operation of the solid fuels industries and the maintenance of adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. In order to enable the Solid Fuels Administrator to make appropriate recommendations, the Price Administrator shall advise with the Solid Fuels Administrator prior to the establishment or alteration by the Price Administrator of any schedule of prices to be charged for solid fuels.

(g) Be advised of all plans or proposals which deal with the civilian rationing of solid fuels and consult with rationing authorities in the development of such plans or proposals; and, determine, after advising with the War Production Board, the areas and the times within which such rationing should be effective and the amount of solid fuels available for such purpose.

(h) Prepare and submit to the Office of Defense Transportation recommendations concerning the provision of transportation facilities adequate for the transportation and distribution of the solid fuels necessary to meet direct and indirect military, and essential industrial and civilian requirements.

(i) Prepare and submit to the War Shipping Administration recommendations concerning the provision of vessels and related facilities adequate for the transportation and distribution of the solid fuels necessary to meet direct and indirect military, and essential industrial and civilian requirements.

(j) Request the War Manpower Commission to take such action as it deems appropriate to meet the manpower problems of the solid fuels industries in the light of the over-all manpower needs of the Nation, when the ability of the solid fuels industries to make available solid fuels in such quantities as the Administrator deems necessary to meet direct and indirect military, and essential industrial and civilian requirements is represented to be impaired or endangered by a shortage of manpower.

(k) Formulate and submit any necessary policy recommendations to the appropriate Federal departments and agencies, after consultation with them, concerning plans and procedures with respect to foreign solid fuels activities.

4. In the performance of his functions, the Administrator shall consult with the appropriate authorities in the Federal departments and agencies whose functions effect the solid fuels industries in advance of any action proposed to be taken by him which may affect any such department or agency in the performance of its functions.

5. The several Federal departments and agencies shall supply such information and data as the Administrator may require in performing his functions and shall advise with the Administrator before undertaking any action which might affect the continuous, ready availability of

solid fuels for direct and indirect military, and essential industrial and civilian requirements. In order to assist him in carrying out the purposes of this Order, the Administrator may establish committees or designate groups of advisers, representing two or more departments or agencies of the Federal Government, or states.

6. The Administrator may appoint a Deputy Administrator to whom he may delegate, subject to such departmental supervision and direction as he may determine, any and all power, authority, and discretion conferred upon him by this Order. The Administrator may designate either the Deputy Administrator or the Acting Secretary of the Interior to serve as Acting Solid Fuels Administrator in the absence of the Administrator. The Administrator and Deputy Administrator may (a) exercise the powers, authority, and discretion conferred upon them by or under the provisions of this Order through such personnel of the Solid Fuels Administration for War and the Department of the Interior, and in such manner as the Administrator or Deputy Administrator may determine, and (b) accept the services of other departments, agencies, and officials of the Government in carrying out the purposes of this Order. The Administrator, within the limits of such funds as may be allocated or appropriated for the purpose, may employ necessary personnel and make provision for necessary supplies, facilities, travel and services.

7. In the performance of his functions the Administrator shall, to the fullest extent compatible with efficiency, utilize appropriate existing agencies, facilities and services of the Department of the Interior.

8. The Office of Solid Fuels Coordination for National Defense established pursuant to letter of the President dated November 5, 1941 (changed to the Office of Solid Fuels Coordinator for War by letter of the President dated May 25, 1942) is abolished, and its personnel, records, property, and funds are transferred to the Solid Fuels Administration for War, effective fifteen days from the date of this Order. All directives, agreements, recommendations, and other documents issued or entered into under the functions, duties, and authorities of the Solid Fuels Coordinator for War shall remain in force as the responsibility of the Administrator until such time as he may revoke, alter, or otherwise change such documents under provisions of this Executive order.

9. The Administrator shall keep the President informed with respect to the progress made in carrying out this Order and perform such related duties as the President may from time to time assign or delegate to him.

10. Nothing in this Order shall be deemed to limit in any way the statutory powers of the Interstate Commerce Commission with respect to rates, charges, statistics, accounts, car service (including emergency service powers) or operating authority, or in any way to limit or restrict the functions and authority, and the exercise thereof, of the Federal Power Commission under the Natural Gas Act [section 717 et seq. of Title 15] the Federal Power Act [sections 791a-825r of Title 16], Executive Order No. 8202 of July 13, 1939, and Presidential Directives of September 26, 1942 and October 22, 1942, concerning electric service for war plants and establishments.

11. Nothing in this Order shall be deemed to limit in any way the authority of the Departments of War and Navy to initiate or carry out directly, without review or approval by the Administrator, any action relating to solid fuels or the solid fuels industries which either Department deems to be a matter of military necessity or expediency and which arises in such areas and is of such military urgency as to require special or secret disposition.

12. Any provision of any prior Executive order conflicting with this Executive order is superseded to the extent of such conflict.

[War Production Board, referred to in Ex. Ord. No. 9332, set out above, was terminated and its functions transferred to Civilian Production Administration by Ex. Ord. No. 9638, set out as a note under this section. Thereafter the Civilian Production Administration was consolidated with other war agencies in the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under this section.]

[The functions of the Price Administrator, referred to in Ex. Ord. No. 9332, set out above, were vested in the

Temporary Controls Administrator and the Office of Price Administration and other war agencies were consolidated in the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under this section.]

[War Manpower Commission, referred to in Ex. Ord. No. 9332, set out above, was abolished and its functions transferred to Department of Labor by Ex. Ord. No. 9617, set out as a note under this section.]

**EX. ORD. NO. 9338. ABOLISHING THE OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES AND TRANSFERRING ITS FUNCTIONS TO THE FEDERAL SECURITY AGENCY**

Ex. Ord. No. 9338, Apr. 29, 1943, 8 F. R. 5659, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) [sections 601-605 of this Appendix], and for the purpose of assuring adequate health and welfare services during the present emergency, it is hereby ordered as follows:

1. The Office of Defense Health and Welfare Services, established by Executive Order No. 8890 of September 3, 1941, in the Office for Emergency Management, is abolished.

2. The functions, duties, and powers of the Director of the Office of Defense Health and Welfare Services are transferred to the Federal Security Administrator.

3. The functions, duties, powers, personnel, property, records, and funds (including all unexpended balances of appropriations, allocations, and other available funds) of the Office of Defense Health and Welfare Services, and the Health and Medical Committee and the other advisory committees and subcommittees appointed pursuant to the said Executive Order No. 8890 and their respective functions, duties, powers, personnel, property, records, and funds, are transferred to the Federal Security Agency.

4. The functions, duties, and powers transferred by this order shall be administered under the direction and supervision of the Federal Security Administrator through an office to be established by him and to be known as the Office of Community War Services, or through such other offices, agencies, officers, and persons in the Federal Security Agency as he shall designate and in such manner as he shall direct.

5. Any provision of any prior Executive order in conflict with the provisions of this order is superseded to the extent of such conflict.

**EX. ORD. NO. 9339. TRANSFER OF CIVIL AIR PATROL FROM OFFICE OF CIVILIAN DEFENSE TO DEPARTMENT OF WAR**

Ex. Ord. No. 9339, Apr. 29, 1943, 8 F. R. 5659, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly by Title I of the First War Powers Act, 1941 (approved December 18, 1941 [sections 601-605 of this Appendix]), as President of the United States, and in order to provide for the national security and defense, and to expedite the prosecution of the war, it is hereby ordered as follows:

1. The Civil Air Patrol, established in the Office of Civilian Defense, pursuant to Executive Order No. 8757 of May 20, 1941, as amended by Executive Order No. 9134 of April 15, 1942, and all of its functions, duties, and powers (including those of the National Commander of the Civil Air Patrol), and all of the functions, duties, and powers of the Office of Civilian Defense and of the Director thereof which relate to the Civil Air Patrol (including those relating to the office of the National Commander) are transferred to the Department of War, and shall be administered under the direction and supervision of the Secretary of War by such officers, commands, agencies, or persons under his jurisdiction as he may designate.

2. All property (including records, files, supplies, furniture, and equipment) and all civilian and military personnel of the Office of Civilian Defense primarily used in the administration of the functions transferred by this order are transferred to the Department of War for use in the administration of such functions.

3. So much of the unexpended balances of appropriations, allocations, or other funds available, or to be made available, for the use of the Office of Civilian Defense in the performance of the functions transferred by this order as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of War for use in connection with the administration of the

functions so transferred. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

4. This order shall become effective immediately and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix].

**EX. ORD. NO. 9347. OFFICE OF WAR MOBILIZATION**

Ex. Ord. No. 9347, May 27, 1943, 8 F. R. 7207, was omitted under authority of Ex. Ord. No. 9488, set out as a note under section 1651 of this Appendix, which abolished the Office of War Mobilization and transferred its functions to the Office of War Mobilization and Reconversion. Thereafter the Office of War Mobilization and Reconversion was consolidated with other war agencies into the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under this section.

**EX. ORD. NO. 9357. TRANSFERRING FUNCTIONS OF PUBLIC WORKS ADMINISTRATION TO THE FEDERAL WORKS ADMINISTRATOR**

Ex. Ord. No. 9357, June 30, 1943, 8 F. R. 9041, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 13, 1941 (55 Stat. 838) [sections 601-622 of this Appendix], and as President of the United States, it is ordered as follows:

1. All functions, powers, and duties of the Public Works Administration and of the Commissioner of Public Works, in the Federal Works Agency, together with all records, property (including office equipment, contracts, and other assets), and personnel of the Public Works Administration, and the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the exercise and performance of the said functions, powers, and duties, are hereby transferred to the office of the Federal Works Administrator, and such functions, powers, and duties shall be administered by or under the direction and supervision of the Federal Works Administrator: *Provided*, that any personnel found by the Federal Works Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service.

2. This order shall become effective on July 1, 1943.

**EX. ORD. NO. 9361. SUPPLEMENTING EXECUTIVE ORDER ESTABLISHING OFFICE OF WAR MOBILIZATION AND PROVIDING FOR THE UNIFYING OF FOREIGN ECONOMIC AFFAIRS**

Ex. Ord. No. 9361, July 15, 1943, 8 F. R. 9861, was omitted under authority of Ex. Ord. No. 9380, set out as a note under this section, which transferred and consolidated the Office of Economic Warfare, with other war agencies, into the Foreign Economic Administration. Thereafter the Foreign Economic Administration was terminated and its functions transferred by Ex. Ord. No. 9630, set out as a note under this section.

**EX. ORD. NO. 9363. REDISTRIBUTION OF CERTAIN FUNCTIONS OF THE SECRETARY OF WAR AND THE JUDGE ADVOCATE GENERAL WITH RESPECT TO CERTAIN COURT MARTIAL CASES**

Ex. Ord. No. 9363, July 23, 1943, 8 F. R. 10389, provided: Now, therefore, by virtue of the authority vested in me by the Constitution and the laws of the United States, particularly by Title I of the First War Powers Act, 1941, approved December 13, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], and as President of the United States and Commander in Chief of the Army of the United States, it is hereby ordered as follows:

1. Subject to such regulations as the Secretary of War may prescribe, the Under Secretary of War and the Assistant Secretary of War are authorized, respectively, to exercise and perform all functions, duties, and powers conferred upon the Secretary of War or the Acting Secretary of War by Article of War 50½ as amended [section 1522 of Title 10].

2. Subject to such regulations as the Secretary of War may prescribe, the Assistant Judge Advocate General in charge of military justice matters is authorized to exercise

and perform all functions, duties, and powers conferred upon the Judge Advocate General by Article of War 46 [section 1517 of Title 10], and by the second, third, fourth, and fifth paragraphs of Article of War 50½ [section 1522 of Title 10].

3. There are hereby transferred to the Under Secretary of War, the Assistant Secretary of War, and the Assistant Judge Advocate General in charge of military justice matters such functions, duties and powers of the Secretary of War and the Judge Advocate General as may be necessary to effectuate the provisions of this order; but nothing contained in this order shall be deemed to limit or restrict the power and right on the part of the Secretary of War or the Judge Advocate General, in their discretion, to exercise or perform any of the functions, duties, or powers heretofore possessed by or vested in them.

4. The functions, duties, and powers herein transferred or delegated may be exercised and performed by the officials to whom such transfers and delegations are made without the necessity of any signature, approval, ratification, or other act by higher authority, except to the extent required by such regulations as may be prescribed by the Secretary of War; and all officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those to whom transfers and delegations are made hereunder as if done by the person or persons in whom the functions, duties, and powers were vested prior to such transfers and delegations.

**EX. ORD. NO. 9380. FOREIGN ECONOMIC ADMINISTRATION**

Ex. Ord. No. 9380, Sept. 25, 1943, 8 F. R. 13081, was omitted under authority of Ex. Ord. No. 9630, Sept. 27, 1945, 10 F. R. 12245, set out in note under this section, which terminated the Foreign Economic Administration and transferred its functions and agencies.

**EX. ORD. NO. 9385. FOREIGN FOOD PROCUREMENT AND DEVELOPMENT**

Ex. Ord. No. 9385, Oct. 6, 1943, 8 F. R. 13783, was omitted under authority of Ex. Ord. No. 9630, Sept. 27, 1945, 10 F. R. 12245, set out in note under this section, which terminated the Foreign Economic Administration and transferred its functions with respect to food to the Department of Agriculture.

**EX. ORD. NO. 9406. TRANSFER OF FUNCTIONS RESPECTING NECESSITY CERTIFICATES FROM SECRETARIES OF WAR AND NAVY TO CHAIRMAN OF WAR PRODUCTION BOARD**

Ex. Ord. No. 9406, Dec. 17, 1943, 8 F. R. 16955, as amended by Ex. Ord. No. 9429, Mar. 2, 1944, 9 F. R. 2487, eff. as of Dec. 17, 1943, was omitted under authority of Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591, set out as note under this section, which terminated the War Production Board and transferred its functions to the Civilian Production Administration. Thereafter the Civilian Production Administration was consolidated, with other war agencies, into the Office of Temporary Controls by Ex. Ord. No. 9809, Dec. 12, 1946, 11 F. R. 14281, set out as a note under this section.

**EX. ORD. NO. 9417. WAR REFUGEE BOARD**

Ex. Ord. No. 9417, Jan. 22, 1944, 9 F. R. 935, was omitted under authority of Ex. Ord. No. 9614, Sept. 14, 1945, 10 F. R. 11789, set out as a note under this section, which terminated the War Refugee Board.

**EX. ORD. NO. 9418. AUTHORIZING THE WAR FOOD ADMINISTRATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE**

Ex. Ord. No. 9418, Jan. 29, 1944, 9 F. R. 1073, was omitted under authority of Ex. Ord. No. 9577, June 30, 1945, 10 F. R. 8087, set out as a note under this section, which terminated the War Food Administration and transferred its functions to the Secretary of Agriculture.

**EX. ORD. NO. 9423. TRANSFER OF WAR RELOCATION AUTHORITY TO THE DEPARTMENT OF THE INTERIOR**

Ex. Ord. No. 9423, Feb. 16, 1944, 9 F. R. 1903, was omitted under the authority of Ex. Ord. No. 9742, set out as a note under this section, which terminated the War Relocation Authority.

**Ex. ORD. No. 9425. SURPLUS WAR PROPERTY ADMINISTRATION ESTABLISHED**

Ex. Ord. No. 9425, Feb. 19, 1944, 9 F. R. 2071, was omitted under authority of Ex. Ord. No. 9448, Oct. 3, 1944, 9 F. R. 12145, set out as a note under section 1651 of this Appendix, which transferred the functions of Surplus War Property Administration to Surplus Property Board. Thereafter the functions of the Surplus Property Board were transferred to the Surplus Property Administration by section 1614b of this Appendix. All functions of the Surplus Property Administration, except those transferred to the State Department, were transferred to the War Assets Corporation by Ex. Ord. No. 9689, set out as a note under section 1614a of this Appendix and the War Assets Corporation was subsequently dissolved.

**Ex. ORD. No. 9427. RETRAINING AND REEMPLOYMENT ADMINISTRATION**

The Retraining and Reemployment Administration established by Ex. Ord. No. 9427, Feb. 24, 1944, 9 F. R. 2199, was transferred to the new Retraining and Reemployment Administration, created by section 1661 of this Appendix, by Ex. Ord. No. 9488, set out as a note under section 1651 of this Appendix. Its functions, officers, etc., were transferred to the Department of Labor by Ex. Ord. No. 9617, set out as a note under this section.

**Ex. ORD. No. 9440. AUTHORIZING THE RECONSTRUCTION FINANCE CORPORATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE**

Ex. Ord. No. 9440, May 9, 1944, 9 F. R. 4999, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the end of June 30, 1932 (47 Stat. 417), and the act of July 20, 1942 (56 Stat. 661, 31 U. S. C. 686), and which are also vested in the War Food Administration by virtue of Executive Order 9418 of January 29, 1944 [following this section], may be exercised also by the Reconstruction Finance Corporation, and by any constituent, subsidiary or controlled agency or corporation thereof designated by the Reconstruction Finance Corporation. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

**Ex. ORD. No. 9475. TRANSFERRING THE FUNCTIONS AND RESPONSIBILITIES OF THE RUBBER DIRECTOR**

Ex. Ord. No. 9475, Sept. 2, 1944, 9 F. R. 10817, was omitted under authority of Ex. Ord. No. 9638, set out as a note under this section, which terminated the War Production Board, and act June 30, 1945, ch. 215, 59 Stat. 310, set out as a note under section 606b of Title 15, which dissolved the Rubber Reserve Company and transferred its functions, etc., to the Reconstruction Finance Corporation.

**Ex. ORD. No. 9495. EXTENSION OF EXECUTIVE ORDER No. 9177 TO THE UNITED STATES MARITIME COMMISSION AND THE ADMINISTRATION OF THE WAR SHIPPING ADMINISTRATION**

Ex. Ord. No. 9495, Oct. 30, 1944, 9 F. R. 13035, provided: By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], I hereby extend the provisions of Executive Order No. 9177 (7 F. R. 4195) of May 30, 1942, [set out as a note under this section], to the United States Maritime Commission and the Administrator of the War Shipping Administration; and, subject to the limitations contained in that order, I hereby authorize the United States Mari-

time Commission and the Administrator of the War Shipping Administration to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1944.

[Termination of the War Shipping Administration. Section 202 of act July 8, 1946, ch. 543, title II, 60 Stat. 501, set out as a note under section 1291 of this Appendix, terminated the War Shipping Administration as of Sept. 1, 1946, and transferred all functions, powers, duties, etc., to the United States Maritime Commission for purpose of liquidation.]

**Ex. ORD. No. 9528. AMENDING EX. ORD. No. 9096 TO PROVIDE A CHANGE IN THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF THE NAVY**

Ex. Ord. No. 9528, Mar. 2, 1945, 10 F. R. 2491, was revoked by Ex. Ord. No. 9596, Aug. 14, 1945, 10 F. R. 10071.

**Ex. ORD. No. 9541. TRANSFERRING THE OFFICE OF SURPLUS PROPERTY OF THE PROCUREMENT DIVISION OF THE DEPARTMENT OF THE TREASURY TO THE DEPARTMENT OF COMMERCE**

Ex. Ord. No. 9541, Apr. 20, 1945, 10 F. R. 4253, was omitted under authority of Ex. Ord. No. 9643, set out as a note under section 601 of Title 15, which terminated the Office of Surplus Property in the Department of Commerce and transferred its activities and personnel to the Reconstruction Finance Corporation where they were continued under the War Assets Corporation. Ex. Ord. No. 9689, set out as a note under section 1614a of this Appendix, transferred surplus property functions of the War Assets Corporation to the War Assets Administration and the War Assets Corporation was subsequently dissolved.

**Ex. ORD. No. 9577. TERMINATION OF THE WAR FOOD ADMINISTRATION AND TRANSFERRAL OF ITS FUNCTIONS TO THE SECRETARY OF AGRICULTURE**

Ex. Ord. No. 9577, June 30, 1945, 10 F. R. 8087, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], it is ordered as follows:

1. The War Food Administration and the office of War Food Administrator, established by Executive Order No. 9334 of April 19, 1943 [set out under this section], are hereby terminated.

2. The functions, duties, and powers of the War Food Administrator, including but not limited to those vested in the Administrator by Executive Orders No. 9334 of April 19, 1943, as amended, No. 9385 of October 6, 1943, No. 9401 of December 7, 1943, No. 9418 of January 29, 1944, and No. 9534 of April 3, 1945, are hereby transferred to, and shall be exercised and performed by, the Secretary of Agriculture.

3. The records, property, personnel, funds, and agencies of the War Food Administration are hereby placed under the jurisdiction and control of the Secretary of Agriculture. The agencies of the War Food Administration shall, consistent with applicable law, be organized and administered in such manner as the Secretary of Agriculture may deem desirable.

4. The Secretary of Agriculture shall have, and may exercise to such extent and subject to such conditions as he shall determine, (a) all powers of delegation vested in the War Food Administrator, including but not limited to those specified in paragraph 9 of Executive Order No. 9280 of December 5, 1942 [set out under this section], and (b) the authority to confer upon any person or persons to whom he may make delegations hereunder, the power to make further delegations to any person or persons in the Department of Agriculture.

5. All orders, directives, rules, and regulations relating to any matter within the scope of the authority of the War Food Administrator which are in effect on the effective date of this order shall continue in full force and effect unless and until modified or revoked by the Secretary of Agriculture or at his direction or under his authorization.



6. All prior Executive orders in conflict with this order are hereby amended to the extent of such conflict.

7. This order shall take effect at the close of business on June 30, 1945.

EX. ORD. NO. 9596. REVOKING EX. ORD. NO. 9528 WHICH PROVIDED A CHANGE IN THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF THE NAVY

Ex. Ord. No. 9596, Aug. 14, 1945, 10 F. R. 10071, revoked Ex. Ord. No. 9528, which amended Ex. Ord. No. 9096 to provide a change in the order of succession of officers to act as Secretary of the Navy.

EX. ORD. NO. 9608. TERMINATION OF THE OFFICE OF WAR INFORMATION

Ex. Ord. No. 9608, Aug. 31, 1945, 10 F. R. 11223, provided: By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. Effective as of the date of this order:

(a) There are transferred to and consolidated in an Interim International Information Service, which is hereby established in the Department of State, those functions of the Office of War Information (established by Executive Order No. 9182 of June 13, 1942), and those informational functions of the Office of Inter-American Affairs (established as the Office of the Coordinator of Inter-American Affairs by Executive Order No. 8840 of July 30, 1941 and renamed as the Office of Inter-American Affairs by Executive Order No. 9532 of March 23, 1945), which are performed abroad or which consist of or are concerned with informing the people of other nations about any matter in which the United States has an interest, together with so much of the personnel, records, property, and appropriation balances of the Office of War Information and the Office of Inter-American Affairs as the Director of the Bureau of the Budget shall determine to relate primarily to the functions so transferred. Pending the abolition of the said Service under paragraph 3 (a) of this order, (1) the head of the Service, who shall be designated by the Secretary of State, shall be responsible to the Secretary of State or to such other officer of the Department as the Secretary shall direct, (2) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State, (3) the Secretary may transfer from the Service, to such agencies of the Department of State as he shall designate or establish, any function of the Service, and (4) the Secretary may terminate any function of the Service, in which event he shall provide for the winding up of the affairs relating to any function so terminated.

(b) There are transferred to the Bureau of the Budget the functions of the Bureau of Special Services of the Office of War Information and functions of the Office of War Information with respect to the review of publications of Federal agencies, together with so much of the personnel, records, and property, and appropriation balances of the Office of War Information as the Director of the Bureau of the Budget shall determine to relate primarily to the said functions.

(c) All those provisions of prior Executive orders which are in conflict with this order are amended accordingly. Paragraph 6 of the said Executive Order No. 8840 and paragraphs 3, 6, and 8 of the said Executive Order No. 9182 are revoked.

2. Effective as of the close of business September 15, 1945:

(a) There are abolished the functions of the Office of War Information then remaining.

(b) The Director of the Office of War Information shall, pending the abolition of the Office of War Information under paragraph 3 (b) of this order, proceed to wind up the affairs of the Office relating to such abolished functions.

3. Effective as of the close of business December 31, 1945:

(a) The Interim International Information Service, provided for in paragraph 1 (a) of this order, together with any functions then remaining under the Service, is abolished.

(b) The Office of War Information, including the office of the Director of the Office of War Information, is abolished.

(c) There are transferred to the Department of the Treasury all of the personnel, records, property, and appropriation balances of the Interim International Information Service and of the Office of War Information then remaining, for final liquidation, and so much thereof as the Director of the Bureau of the Budget shall determine to be necessary shall be utilized by the Secretary of the Treasury in winding up all of the affairs of the Service.

EX. ORD. NO. 9614. TERMINATION OF THE WAR REFUGEE BOARD

Ex. Ord. No. 9614, Sept. 14, 1915, 10 F. R. 11789, provided: By virtue of the authority vested in me by the Constitution and the statutes of the United States it is hereby ordered as follows:

The War Refugee Board, established in the Executive Office of the President by Executive Order No. 9417 of January 22, 1944 [set out as a note under this section], is hereby terminated.

The Secretary of the Treasury is authorized and directed (1) to liquidate all of the activities and obligations, and wind up all of the affairs, of the Board as rapidly as practicable, and not later than June 30, 1946; (2) to utilize therefor such of the personnel, property, records, and unexpended appropriations of the Board as may be necessary; and (3), consonant with applicable law and regulations and at such times as may be appropriate to separate the personnel from the service of the Board and to dispose of its property and records.

This order shall become effective at the close of business September 15, 1945.

EX. ORD. NO. 9617. TRANSFER OF CERTAIN AGENCIES AND FUNCTIONS TO THE DEPARTMENT OF LABOR

Ex. Ord. No. 9617, Sept. 19, 1945, 10 F. R. 11929, provided:

1. (a) Except as otherwise provided herein, all functions, agencies, officers, employees, records, property, and funds of the War Manpower Commission, established by Executive Order 9139 of April 18, 1942, are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) All of the functions of the Chairman of the War Manpower Commission, exclusive of so much thereof as relates to the functions of the Procurement and Assignment Service transferred by paragraph 5 of this order, are transferred to the Secretary of Labor.

(c) The War Manpower Commission is hereby terminated.

(d) In order to maintain the essential coordination of public employment service and unemployment compensation functions and to avoid any necessity for establishing duplicate public employment office facilities, the Department of Labor is directed to provide for making available to agencies charged with the administration of unemployment compensation laws such services, information, and facilities by the United States Employment Service as the Secretary of Labor shall find not inconsistent with the purposes of this order. To the extent that Federal funds under the jurisdiction of the Social Security Board are involved in the effectuation of this section, services, information, and facilities shall be furnished only when, and to the extent that the Social Security Board shall approve.

2. (a) The National War Labor Board, established by Executive Order 9017 of January 12, 1942 [set out as a note under section 1507 of this Appendix], and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall, except as otherwise provided in this order, be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The National War Labor Board in the Department of Labor shall be in all respects subject to and governed by such policies, consistent with law, as the Secretary of Labor shall prescribe; and so much of the functions of the Board as is required to effectuate this subsection is transferred to the Secretary of Labor. The provisions of this section notwithstanding, decisions made by the National War Labor Board in individual cases brought before it pursuant to law shall not be subject to modification by

the Secretary of Labor but shall have the same degree of finality as existed prior to the issuance of this order.

3. (a) The Retraining and Reemployment Administration, established by section 301 of the War Mobilization and Reconversion Act of 1944, and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The functions of the Director of War Mobilization and Reconversion relating to the Retraining and Reemployment Administration are hereby transferred to the Secretary of Labor.

4. (a) The Secretary of Labor may perform the functions transferred to him by this order through such officials, persons, or agencies and in such manner as he shall determine.

(b) The United States Employment Service and all functions in the Department of Labor relating to employment service, the National War Labor Board and its functions, and the Retraining and Reemployment Administration and its functions shall be administered as organizational entities within the Department of Labor. All other functions transferred to the Department of Labor by this order shall be administered, and the internal staff and service activities relating to the aforesaid agencies may be administered, by such agencies in the Department of Labor as the Secretary may designate or establish for the purpose.

5. The functions of the Procurement and Assignment Service of the War Manpower Commission and the functions of the Chairman of the War Manpower Commission with respect thereto are hereby transferred to the Federal Security Administrator. There shall be transferred to the Federal Security Agency, for use in connection with such functions, all of the personnel of the Procurement and Assignment Service, and so much of the other personnel of the War Manpower Commission and so much of the records, property, and funds of the War Manpower Commission as the Director of the Bureau of the Budget shall determine to relate primarily to the Procurement and Assignment Service.

6. All prior regulations, rulings, and other directives relating to any agency or function transferred by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

7. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of the functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

8. All provisions of prior Executive orders which are in conflict with this order are amended accordingly; provided that no functions or duties of any agency or officer not expressly transferred hereunder shall be deemed to have been transferred or modified by this order.

[The National War Labor Board, referred to in Ex. Ord. No. 9617, set out above, was terminated and its functions assumed by the National Wage Stabilization Board within the Department of Labor by Ex. Ord. No. 9672, set out as a note under section 964 of this Appendix.]

**EX. ORD. NO. 9621. TERMINATION OF THE OFFICE OF STRATEGIC SERVICES AND DISPOSITION OF ITS FUNCTIONS**

Ex. Ord. No. 9621, Sept. 21, 1945, 10 F. R. 12033, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. There are transferred to and consolidated in an Interim Research and Intelligence Service, which is hereby established in the Department of State, (a) the functions of the Research and Analysis Branch and of the Presentation Branch of the Office of Strategic Services (provided for by the Military Order of June 13, 1942), excluding such functions performed within the countries of Germany and Austria, and (b) those other functions of the Office of Strategic Services (hereinafter referred to as the Office) which relate to the functions of the said Branches transferred by this paragraph. The functions of the Director

of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred to the Service by this paragraph, are transferred to the Secretary of State. The personnel, property, and records of the said Branches, except such thereof as is located in Germany and Austria, and so much of the other personnel, property, and records of the Office and of the funds of the Office as the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred by this paragraph, are transferred to the said Service. Military personnel now on duty in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of State and to the Secretary of War or the Secretary of the Navy, as the case may be, continue on such duty in the Department of State.

2. The Interim Research and Intelligence Service shall be abolished as of the close of business December 31, 1945, and the Secretary of State shall provide for winding up its affairs. Pending such abolition, (a) the Secretary of State may transfer from the said Service to such agencies of the Department of State as he shall designate any function of the Service, (b) the Secretary may curtail the activities carried on by the Service, (c) the head of the Service, who shall be designated by the Secretary, shall be responsible to the Secretary or to such other officer of the Department of State as the Secretary shall direct, and (d) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State.

3. All functions of the Office not transferred by paragraph 1 of this order, together with all personnel, records, property, and funds of the Office not so transferred, are transferred to the Department of War; and the Office, including the office of the Director of Strategic Services, is terminated. The functions of the Director of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred by this paragraph, are transferred to the Secretary of War. Naval personnel on duty with the Office in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of War and the Secretary of the Navy, continue on such duty in the Department of War. The Secretary of War shall, whenever he deems it compatible with the national interest, discontinue any activity transferred by this paragraph and wind up all affairs relating thereto.

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5. All provisions of prior orders of the President which are in conflict with this order are amended accordingly.

6. This order shall, except as otherwise specifically provided, be effective as of the opening of business October 1, 1945.

**EX. ORD. NO. 9630. REDISTRIBUTION OF FOREIGN ECONOMIC FUNCTIONS AND FUNCTIONS WITH RESPECT TO SURPLUS PROPERTY IN FOREIGN AREAS**

Ex. Ord. No. 9630, Sept. 27, 1945, 10 F. R. 12245, as amended by Ex. Ord. No. 9730, May 27, 1946, 11 F. R. 5777, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this appendix], and as President of the United States, and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

**PART I**

1. The Foreign Economic Administration established by Executive Order No. 9380 of September 25, 1943 [set out as a note under this section], hereinafter referred to as the Administration, and its agencies except as otherwise provided in this order, and the office of the Administrator of the Foreign Economic Administration, are terminated and disposition shall be made of the affairs thereof according to the provisions of this Part.

2. There are transferred to the Department of State all functions of the Administration and of its agencies with respect to:

(a) The administration of the Act of March 11, 1941, as amended, entitled "An Act further to promote the defense of the United States and for other purposes [sections 411-419 of Title 22]."

(b) The participation by the United States in the United Nations Relief and Rehabilitation Administration, as defined in Executive Order No. 9453 of July 6, 1944.

(c) Activities in liberated areas with respect to supplying the requirements of and procuring materials in such areas under paragraph 4 of the said Executive Order No. 9380.

(d) The gathering, analysis, and reporting of economic and commercial information, insofar as such functions are performed abroad.

(e) The planning of measures for the control of occupied territories.

(f) The administration of Allocation No. 42/3-98 of February 1, 1943 from the appropriation, "Emergency Fund for the President, National Defense, 1942 and 1943."

3. There are transferred to the Reconstruction Finance Corporation:

(a) The Rubber Development Corporation, the Petroleum Reserves Corporation, and the U. S. Commercial Company and their functions, capital stock, assets, and liabilities. The board of directors of the Reconstruction Finance Corporation may reconstitute the boards of directors of the said transferred corporations.

(b) The functions of the Administration (including those of the U. S. Commercial Company) with respect to the procurement of commodities abroad, excluding such functions transferred to the Department of Agriculture under paragraph 5 of this Part.

4. There are transferred to the Department of Commerce all functions of the Administration and its agencies with respect to:

(a) Export control, including all functions of the Administration under section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended and extended [section 701 of this Appendix].

(b) The Technical Industrial Intelligence Committee (under existing directive of the United States Joint Chiefs of Staff).

(c) The facilitation of trade, including functions affecting foreign trade and domestic commerce and the functions of the Clearing Office for Foreign Transactions and Reports, except as any of the aforesaid functions are otherwise transferred by this Part.

(d) Any other matter not transferred by this Part, including the final liquidation of the Administration and winding up of such of its affairs as are not otherwise transferred by this order.

5. There are transferred to the Department of Agriculture the functions of the Office of Foreign Food Programs and all other functions of the Administration with respect to food (as defined in paragraph 10 of Executive Order No. 9280 of December 5, 1942) [set out as a note under this section], food machinery, and other food facilities.

6. There are transferred to the heads of the agencies to which functions are transferred by this Part the respective functions of the Administrator of the Foreign Economic Administration, hereafter referred to as the Administrator, which relate to the functions so transferred to the aforesaid agencies.

#### PART II

7. For the purpose of unifying the disposition of foreign property owned by the United States in foreign areas under a single agency acting in conformity with the foreign policy of the United States and with the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix], and consonant with the transfer of such disposition function under paragraph 2 (a) hereof and the designation of the Department of State, pursuant to the provisions of the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix], as a disposal agency for all surplus property in foreign areas, excepting certain vessels, there are transferred to the Department of State all functions of the Army-Navy Liquidation Commissioner (under whatever authority, including War Department Memorandum No. 850-45, dated January 27, 1945 and letter of the Secretary of the Navy dated February 1, 1945) and all functions of the War Department and the Navy Department relating

to the disposition abroad of property captured from the enemy. So much of the functions of the Secretary of War and the Secretary of the Navy as relates thereto is transferred to the Secretary of State. The office of Army-Navy Liquidation Commissioner is abolished.

8. The War Department and the Navy Department shall each store, care for, handle, deliver and keep the fiscal and other accounts for all property declared to be surplus in foreign areas, including property captured from the enemy, and shall also furnish such personnel, transportation and administrative services or facilities as may be required for foreign disposal. The provisions of this paragraph shall be carried out without reimbursement from the Department of State for the services rendered. As used in this order, the words "foreign areas" mean areas outside the continental United States, its territories and possessions.

Nothing in this order shall be construed to limit the authority of the Department of State to engage such personnel and make such other expenditures as the Secretary of State may deem necessary to the discharge of the functions and responsibilities of the Department of State under this Part or any functions and responsibilities assigned to it under the Surplus Property Act of 1944 [section 1611 et seq. of this Appendix].

9. The Secretary of War and the Secretary of the Navy are authorized to detail officers and enlisted persons of the military and naval establishments, respectively, to the Department of State to assist it in the discharge of its duties under this Part or of any duties delegated to it under the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix], and any such officer or enlisted person shall, while so detailed, retain and be entitled to the rights, benefits, promotions and status of an officer or enlisted person of the establishment from which he was detailed.

#### PART III

10. There are transferred to the respective agencies to which functions are transferred by this order, for use in connection with the functions so transferred, so much as the Director of the Bureau of the Budget shall determine to relate to such functions, respectively, of the records, property, civilian personnel, and funds of the Administration and its agencies (including funds appropriated to the President for carrying out functions administered by the Administration) and of the War Department and of the Navy Department. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and abolitions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

11. The head of each agency to which functions are transferred by this order may, in the interest of efficient administration, assign such of the functions transferred to such head or to his agency by this order as he shall determine to such officers and agencies under his jurisdiction as he shall designate.

12. All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

13. All provisions of prior Executive orders and of prior instruments of any Federal agency in conflict with this order are amended accordingly. Each transfer of functions provided for in this order shall be effective on such date, not later than December 31, 1945, as shall be designated jointly by the Director of the Bureau of the Budget and the head of the agency to which the function is transferred. Pending such designations the officers and agencies from whom functions are transferred under this order shall continue to administer their respective functions.

EX. ORD. NO. 9638. CREATION OF THE CIVILIAN PRODUCTION ADMINISTRATION AND TERMINATION OF THE WAR PRODUCTION BOARD

Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, it is ordered as follows:

1. All functions and powers of the War Production Board, established by Executive Order No. 9024 of January 16, 1942, and all agencies, officers (other than the Chairman and the other members of the War Production Board), employees, records, property, and funds of the Board, are transferred to a Civilian Production Administration which is hereby established in the Office for Emergency Management of the Executive Office of the President. The War Production Board is hereby terminated.

2. At the head of the Civilian Production Administration (hereinafter referred to as the Administration) there shall be a Civilian Production Administrator (hereinafter referred to as the Administrator) who shall be appointed by the President and receive a salary of \$12,000 per annum unless the Congress shall otherwise provide, together with actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. All the functions and powers vested in the Chairman of the War Production Board on the effective date of this order are transferred to the Civilian Production Administrator and may be performed by him through such officials, persons, or agencies as he shall determine. The Administrator shall exercise his functions and powers in accordance with the general policies established by the Director of War Mobilization and Reconversion.

3. The functions and powers transferred by this order shall, to the extent authorized by law, be utilized to further a swift and orderly transition from wartime production to a maximum peacetime production in industry free from wartime Government controls, with due regard for the stability of prices and costs; and to that end shall be utilized to: (a) expand the production of materials which are in short supply, (b) limit the manufacture of products for which materials or facilities are insufficient, (c) control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production, (d) grant priority assistance to break bottlenecks which would impede the reconversion process, (e) facilitate the fulfillment of relief and other essential export programs, and (f) allocate scarce materials and facilities necessary for the production of low-priced items essential to the continued success of the stabilization program of the Federal Government.

4. The Administrator may, to the extent authorized by law, terminate any function vested in the Administration by this order when he shall deem such action to be in the national interest. The Administrator shall be responsible for the orderly liquidation of all affairs relating to any function so terminated and shall also from time to time take all appropriate steps looking toward the liquidation of the Administration.

5. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and terminations provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

6. All prior regulations, orders, rulings, directives and other actions relating to any function transferred by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

7. All provisions of prior Executive Orders which are in conflict with this order are amended accordingly.

8. This order shall be effective as of the close of business on the third day of November, 1945.

[Civilian Production Administration, with other war agencies, was consolidated into the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under this section.]

#### EX. ORD. NO. 9649. TERMINATION OF THE OFFICE OF FISHERY COORDINATION

Ex. Ord. No. 9649, Oct. 30, 1945, 10 F. R. 13431, provided: By virtue of the authority vested in me by Title I of the First War Powers Act (55 Stat. 838) [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

The Office of Fishery Coordination (hereinafter referred to as the Office), established pursuant to Execu-

tive Order No. 9204 of July 21, 1942 [formerly set out as a note under this section], together with the office of Fishery Coordinator, is terminated.

The Secretary of the Interior, acting through the Fish and Wildlife Service, or any other agency or agencies of the Department of the Interior designated by him, is authorized and directed to wind up the affairs of the Office and to utilize for that purpose, and for the purpose of carrying out the functions vested in him by Food Directive No. 2 of the Secretary of Agriculture, dated February 8, 1943, as amended, and subsequently delegated to the Fishery Coordinator, so much of the personnel, records, property, and funds of the Office as may be necessary.

#### EX. ORD. NO. 9674. LIQUIDATION OF WAR AGENCIES

Ex. Ord. No. 9674, Jan. 5, 1946, 11 F. R. 333, was omitted under authority of Ex. Ord. No. 9744, set out as a note under this section, which terminated the office of the Director of Liquidation and the Liquidation Advisory Committee.

#### EX. ORD. NO. 9722. REASSIGNMENT OF THE FUNCTIONS OF THE SERVICE OF SUPPLY COMMAND AND THE COMMANDING GENERAL, SERVICES OF SUPPLY

Ex. Ord. No. 9722, May 14, 1946, 11 F. R. 5281, provided: By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat. 838) [sections 601-622 of this Appendix], and as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The Secretary of War is authorized and directed, within thirty days from the date hereof, to reassign to such agencies and officers of the War Department as he may deem appropriate the functions, duties, and powers heretofore assigned to the service of supply command and to the Commanding General, Services of Supply.

Executive Order No. 9082 of February 28, 1942 [set out as a note under this section], entitled "Reorganization of the Army of the United States and Transfer of Functions within the War Department," is amended accordingly.

#### EX. ORD. NO. 9742. TERMINATION AND LIQUIDATION OF THE WAR RELOCATION AUTHORITY

Ex. Ord. No. 9742, June 30, 1946, 11 F. R. 7125, provided: By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this appendix] (55 Stat. 838), and as President of the United States, it is hereby ordered as follows:

The War Relocation Authority, established by Executive Order No. 9102 of March 18, 1942, and transferred to the Department of the Interior by Executive Order No. 9423 of February 16, 1944 [note following this section], is terminated as an organizational entity within the Department of the Interior, and the office of Director of the War Relocation Authority is abolished.

The Secretary of the Interior, acting through such agency or agencies of the Department of the Interior as he shall designate, is authorized and directed to wind up the affairs of the Authority, and to utilize for such purpose so much of the personnel, records, property, and funds of the Authority as may be necessary. The powers conferred upon the Secretary of the Interior by Executive Order No. 9102 as modified by [said] Executive Order No. 9423 may be exercised by the Secretary of the Interior to the extent necessary for the effective liquidation of the affairs of the Authority.

All provisions of prior Executive orders which are in conflict with this order are amended accordingly.

This order shall become effective at the close of business on June 30, 1946.

#### EX. ORD. NO. 9744. TERMINATION OF THE OFFICE OF THE DIRECTOR OF LIQUIDATION

Ex. Ord. No. 9744, June 28, 1946, 11 F. R. 7255, provided: By virtue of the authority vested in me by the Constitution and statutes and as President of the United States, it is hereby ordered as follows:

The office of the Director of Liquidation and the Liquidation Advisory Committee, established by Executive

Order No. 9674 of January 4, 1946 [note following this section], together with the functions of the Director and the Committee, are hereby terminated.

The Director of the Bureau of the Budget shall, consonant with applicable law, make suitable disposition of the records and property now in the possession of the Director of Liquidation.

This order shall become effective on June 30, 1946.

**EX. ORD. NO. 9768. EXTENSION OF EX. ORD. NO. 9177 TO SECRETARY OF COMMERCE**

Ex. Ord. No. 9768, Aug. 12, 1946, 11 F. R. 8711, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [section 601 et seq. of this Appendix], I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F. R. 4195) [note following this section], to the Secretary of Commerce; and, subject to the limitations contained in that order, I hereby authorize the Secretary of Commerce to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1946.

**EX. ORD. NO. 9809. DISPOSITION OF CERTAIN WAR AGENCIES**

Ex. Ord. No. 9809, Dec. 12, 1946, 11 F. R. 14281, provided:

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], Title III of the Second War Powers Act, 1942 [section 633 of this Appendix], section 201 (b) of the Emergency Price Control Act of 1942, as amended [section 921 of this Appendix], and section 2 of the Stabilization Act of 1942 [section 962 of this Appendix], and as President of the United States, it is hereby ordered, for the purpose of further effectuating the transition from war to peace and in the interest of the internal management of the Government, as follows:

1. Except as otherwise provided in this order, the following agencies and their functions are consolidated to form one agency in the Office for Emergency Management of the Executive Office of the President, which shall be known as the Office of Temporary Controls, namely: the Office of War Mobilization and Reconversion, the Office of Economic Stabilization, the Office of Price Administration, and the Civilian Production Administration, consistent with applicable law, the Office of Temporary Controls shall be organized and its functions shall be administered in such manner as the head thereof may deem desirable.

2. There shall be at the head of the Office of Temporary Controls a Temporary Controls Administrator, hereafter referred to as the Administrator, who shall be appointed by the President and who shall receive a salary at the rate of \$12,000 per annum unless the Congress shall otherwise provide. Except as otherwise provided in this order, the functions of the Director of War Mobilization and Reconversion, the Economic Stabilization Director, the Price Administrator, and the Civilian Production Administrator, including such functions of the President as are now administered by the said officers, are vested in the Administrator. The functions hereby vested in the Administrator shall be deemed to include the authority to maintain in his own name civil proceedings relating to matters heretofore under the jurisdiction of the Price Administrator (including any such proceedings now pending).

3. (a) The advisory board provided for in section 102 of the War Mobilization and Reconversion Act of 1944 [section 1652 of this Appendix] and its functions, which shall remain vested in such board, are transferred to the Office of Temporary Controls.

(b) The Economic Stabilization Board (transferred to the Office of War Mobilization and Reconversion by Executive Order No. 9762 of July 25, 1946) [set out as a note under section 901 of this Appendix] and its functions are terminated.

4. The functions of the Director of War Mobilization and Reconversion under subsections (c) (1), (c) (2), (c) (3), and (c) (4) of section 101 of the War Mobilization and Reconversion Act of 1944 [section 1651 of this Appendix] are transferred to the President.

5. The functions of the Director of War Mobilization and Reconversion under the provisions of Executive Order No. 9568 of June 8, 1945 and of Executive Order No. 9604 of August 25, 1945 [set out as notes under section 1651 of this Appendix] (with respect to the declassification, release, and publication of certain technical, scientific, and industrial information which has been classified as secret, confidential, or restricted), are transferred to the Secretary of Commerce.

6. The functions of the Director of War Mobilization and Reconversion under the provisions of Executive Order No. 9791 of October 17, 1946 (with respect to the study of scientific research and development activities), are transferred to the Executive Office of the President and shall be administered therein as the President may determine.

7. The functions of the Media Programming Division and the Motion Picture Division of the Office of War Mobilization and Reconversion, and the functions which were transferred from the Bureau of Special Services of the Office of War Information to the Bureau of the Budget by the provisions of paragraph 1 (b) of Executive Order No. 9608 of August 31, 1945 [set out as a note under section 601 of this Appendix], are transferred to the Office of Government Reports, which is re-established as an agency in the Executive Office of the President on the same basis and with the same functions as obtained immediately prior to the promulgation of Executive Order No. 9182 of June 13, 1942. The functions of the Director of War Mobilization and Reconversion with respect to the functions of the said Divisions and the functions of the Director of the Bureau of the Budget with respect to the said functions of the Bureau of the Budget are transferred to the Director of the Office of Government Reports.

8. There are transferred to the Department of the Treasury (a) the functions of the Office of Contract Settlement, (b) the Appeal Board established under section 13 (d) of the Contract Settlement Act of 1944, (c) the Contract Settlement Advisory Board created by section 5 of the said Act, and (d) the functions of such boards, which shall remain vested therein, respectively. The functions of the Director of Contract Settlement, and the functions of the Director of War Mobilization and Reconversion under section 101 (b) of the War Mobilization and Reconversion Act of 1944 with respect to the Office of Contract Settlement, are transferred to the Secretary of the Treasury.

9. The functions of the Financial Reporting Division of the Office of Price Administration, together with the functions of the Price Administrator with respect thereto, are transferred to the Federal Trade Commission.

10. (a) The National Wage Stabilization Board is terminated.

(b) The functions heretofore vested in the National Wage Stabilization Board pursuant to the provisions of section 5 (a) of the Stabilization Act of 1942, as amended [section 965 (a) of this Appendix], are transferred to the Department of the Treasury.

(c) The functions under section 5 of the War Labor Disputes Act [section 1505 of this Appendix] now vested in the National Wage Stabilization Board shall be administered by a special board or boards to be constituted as may be necessary by the Secretary of Labor from among the members of a panel to be appointed by the President for that purpose.

(d) The tripartite Steel Commission (created by the National War Labor Board on March 30, 1945) shall continue to carry out its functions within the Department of Labor until such date as the Secretary of Labor may fix for its termination.

(e) All other functions of the National Wage Stabilization Board are transferred to the Secretary of Labor.

11. The authority, records, property, and personnel which relate primarily to the functions redistributed by this order are transferred to the respective agencies in which functions are vested pursuant to the provisions of this order and the funds which relate primarily to such

functions are transferred or otherwise made available to such respective agencies: *Provided*, That the Director of the Bureau of the Budget may in any case limit the records, property, personnel, and funds to be so transferred or made available to so much thereof as he deems to be required for the administration of the transferred functions. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this paragraph shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate. All personnel transferred under the provisions of this order which the transferee agencies shall respectively find to be in excess of the personnel necessary for the administration of the functions transferred to such agencies by this order shall, if not retransferred under existing law to other positions in the Government, be separated from the service.

12. All prior Executive orders or parts thereof in conflict with this order are amended accordingly. All other prior orders, regulations, rulings, directives, and other actions relating to any function or agency transferred by this order or issued by any such agency shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

13. The provisions of this order shall become effective immediately except that the provisions of paragraph 10 hereof, and those of paragraph 11 to the extent that they relate to the functions referred to in paragraph 10, shall become effective on February 24, 1947.

PROC. NO. 2714. CESSATION OF HOSTILITIES OF WORLD WAR II

Proc. No. 2714, Dec. 31, 1946, 12 F. R. 1, provided:

With God's help this nation and our allies, through sacrifice and devotion, courage and perseverance, wrung final and unconditional surrender from our enemies. Thereafter, we, together with the other United Nations, set about building a world in which justice shall replace force. With spirit, through faith, with a determination that there shall be no more wars of aggression calculated to enslave the peoples of the world and destroy their civilization, and with the guidance of Almighty Providence great gains have been made in translating military victory into permanent peace. Although a state of war still exists, it is at this time possible to declare, and I find it to be in the public interest to declare, that hostilities have terminated.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

DESIGNATION OF WORLD WAR II

Sept. 18, 1945, 10 F. R. 11881

The PRESIDENT

*The White House*

DEAR MR. PRESIDENT:

President Wilson, under date of July 31, 1919, addressed a letter to Secretary of War Baker which read, in part, as follows:

"It is hard to find a satisfactory 'official' name for the war, but the best, I think, that has been suggested is 'The World War', and I hope that your judgment will concur."

Subsequently, under date of October 7, 1919, War Department General Orders No. 115 directed:

"The war against the Central Powers of Europe, in which the United States has taken part, will hereafter be designated in all official communications and publications as 'The World War'."

As a matter of simplicity and to insure uniform terminology, it is recommended that "World War II" be the officially designated name for the present war covering all theaters and the entire period of hostilities.

The term "World War II" has been used in at least seven public laws to designate this period of hostilities. Analysis of publications and radio programs indicates that this term has been accepted by common usage.

If this recommendation is approved it is further recommended that the title "World War II" be published in the *FEDERAL REGISTER* as the official name of the present war.

CROSS REFERENCES

Administration of Federal Government Services in Alaska during war, see Ex. Ord. No. 9181, set out preceding section 21 of Title 48, Territories and Insular Possessions.

Reorganization Plans for government departments and bureaus, see notes under section 133t of Title 5, Executive Departments and Government Officers and Employees.

Termination of section, see section 621 of this Appendix.

§ 602. Same; consolidation of offices; transfer of duties, personnel, and records.

In carrying out the purposes of this title [sections 601–605 of this Appendix] the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, governmental corporations, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, governmental corporation, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto. (Dec. 18, 1941, ch. 593, title I, § 2, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 603. Expenditure of appropriations for bureaus, offices, etc.

For the purpose of carrying out the provisions of this title [sections 601–605 of this Appendix], any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, governmental corporation, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said functions, except to the extent hereafter authorized by the Congress in appropriation Acts or otherwise. (Dec. 18, 1941, ch. 593, title I, § 3, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.

Should the President, in redistributing the functions among the executive agencies as provided in this title [sections 601–605 of this Appendix], conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper. (Dec. 18, 1941, ch. 593, title I, § 4, 55 Stat. 839.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

All laws or parts of laws conflicting with the provisions of this title [sections 601–605 of this Appendix] are to the extent of such conflict suspended while



this title [sections 601-605 of this Appendix] is in force.

Upon the termination of this title [sections 601-605 of this Appendix] all executive or administrative agencies, governmental corporations, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this title [sections 601-605 of this Appendix] to the contrary notwithstanding. (Dec. 18, 1941, ch. 593, title I, § 5, 55 Stat. 839.)

#### CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

### TITLE II.—CONTRACTS

#### § 611. War contracts exempt from certain restrictions upon authorization by President.

The President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort, in accordance with regulations prescribed by the President for the protection of the interests of the Government, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts whenever he deems such action would facilitate the prosecution of the war: *Provided*, That nothing herein shall be construed to authorize the use of the cost-plus-a-percentage-of-cost system of contracting: *Provided further*, That nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits: *Provided further*, That all acts under the authority of this section shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest. (Dec. 18, 1941, ch. 593, title II, § 201, 55 Stat. 839.)

#### EXECUTIVE ORDERS COORDINATING BUREAUS, OFFICES, ETC.

- Ex. Ord.  
Nos.
- 9001. War and Navy Departments and Maritime Commission Exercise of Certain Functions and Powers
  - 9023. Extension of Ex. Ord. No. 9001 to Contracts of the Treasury Department, Etc.
  - 9055. Extension of Ex. Ord. No. 9001 to Department of the Interior
  - 9056. Extension of Ex. Ord. No. 9001 to Tennessee Valley Authority
  - 9112. Financing War Contracts
  - 9116. Extension of Ex. Ord. No. 9001 to Certain Named Offices and Agencies
  - 9219. Extension of Ex. Ord. No. 9001 to the Office of Scientific Research and Development
  - 9221. Extension of Ex. Ord. No. 9001 to Federal Prison Industries, Inc.
  - 9233. Extension of Ex. Ord. No. 9001 to Board of Economic Warfare
  - 9235. Effective Utilization of Supplies and Equipment by Government Agencies
  - 9241. Extension of Ex. Ord. No. 9001 to Office of Strategic Services, U. S. Joint Chiefs of Staff
  - 9253. Extension of Ex. Ord. No. 9001 to Immigration and Naturalization Service
  - 9264. Extension of Ex. Ord. No. 9001 to Contracts of Department of Commerce

#### Ex. Ord.

##### Nos.

- 9269. Modifying Fixed Fee Limitation on Treasury Department Contracts for Architectural and Engineering Services
- 9336. Financing Arrangements To Facilitate the Prosecution of the War.
- 9519. Extension Of Executive Order No. 9001 To The Office Of War Mobilization And Reconversion, The Office Of Contract Settlement, The Surplus Property Board, And The Retraining And Reemployment Administration.
- 9592. Extension of Executive Order No. 9001 to Contracts of the Office of War Information and the Office of Alien Property Custodian.

#### EX. ORD. NO. 9001. WAR AND NAVY DEPARTMENTS AND MARITIME COMMISSION EXERCISE OF CERTAIN FUNCTIONS AND POWERS

Ex. Ord. No. 9001, Dec. 27, 1941, 6 F. R. 6787, as amended by Ex. Ord. No. 9296, Jan. 30, 1943, 8 F. R. 1429, eff. as of Dec. 27, 1941, provided:

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

#### TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") [sections 601 et seq. of this Appendix] and as President of the United States and Commander-In-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facili-

ties, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any per centum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

#### TITLE II

Pursuant to Title II of the Act [section 611 of this Appendix] and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1. Complete data shall be maintained by the War Department, the Navy Department, and the United States Maritime Commission as to all contracts and purchases which they respectively make pursuant to the Act [section 611 et seq., of this Appendix] and this Executive Order. The Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret contracts or purchases.

2. Notwithstanding anything in the Act [sections 601 et seq., of this Appendix] or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

3. No claim against the United States arising under any purchase or contract made under the authority of the Act [sections 601 et seq. of this Appendix] shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940) [section 203 of Title 31 and section 15 of Title 41].

4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe.

5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) [sections 35-45 of Title 41] because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011) [sections 276a to 276a-5 of Title 40], the Copeland Act, as amended (48 Stat. 948) [sections 276b and 276c of Title 40], and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No. 781, 76th Congress) [sections 321 et seq. of Title 40] if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

#### EX. ORD. NO. 9023. EXTENSION OF EX. ORD. NO. 9001 TO CONTRACTS OF THE TREASURY DEPARTMENT, ETC.

Ex. Ord. No. 9023, Jan. 14, 1942, 7 F. R. 302, provided:

I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above] to the Treasury Department, the Department of Agriculture, The Panama Canal, the Federal Works Agency, the Government Printing Office, the National Advisory Committee for Aeronautics, and such other agencies as I may from time to time designate, with respect to all contracts made or to be made by such agencies; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Treasury, the Secretary of Agriculture, the Governor of The Panama Canal, the Administrator of the Federal Works Agency, the Public Printer, the Chairman of the National Advisory Committee for Aeronautics, and the heads of such other agencies as may be designated, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order. [Ex. Ord. No. 9023 was modified by Ex. Ord. No. 9269, set out below.]

#### EX. ORD. NO. 9055. EXTENSION OF EX. ORD. NO. 9001 TO DEPARTMENT OF THE INTERIOR

Ex. Ord. No. 9055, Feb. 10, 1942, 7 F. R. 964, provided in part: "I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Department of the Interior, with respect to all contracts made or to be made by that Department; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Interior, and such officers, employees, and agencies as he may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order."

#### EX. ORD. NO. 9056. EXTENSION OF EX. ORD. NO. 9001 TO TENNESSEE VALLEY AUTHORITY

Ex. Ord. No. 9056, Feb. 12, 1942, 7 F. R. 983, provided in part: "I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Tennessee Valley Authority with respect to all contracts made or to be made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of the Tennessee Valley Authority, and such officers and employees as said Board may designate, to perform and exercise, as to the Tennessee Valley Authority, all of the functions and

powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order."

**Ex. ORD. No. 9112. FINANCING WAR CONTRACTS**

Ex. Ord. No. 9112, Mar. 26, 1942, 7 F. R. 2367, authorized the War Department, Navy Department and the Maritime Commission to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, etc., for the purpose of financing any contractor, sub-contractor and others engaged in work appropriate for the prosecution of the war.

**Ex. ORD. No. 9116. EXTENSION OF EX. ORD. No. 9001 TO CERTAIN NAMED OFFICES AND AGENCIES**

Ex. Ord. No. 9116, Mar. 30, 1942, 7 F. R. 2527, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Office of the Coordinator of Inter-American Affairs in the Office for Emergency Management, the Civil Aeronautics Administration of the Department of Commerce, and the National Housing Agency, with respect to all contracts made or to be made by such agencies, and to the Veterans' Administration with respect to all contracts hereafter made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Coordinator of Inter-American Affairs, the Administrator of Civil Aeronautics, the National Housing Administrator, and the Administrator of Veterans' Affairs, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order; and I hereby extend to all contracts of the Federal Communications Commission those provisions of the said Executive Order No. 9001 which relate to statutory requirements for advertising for bids, and I hereby authorize the Federal Communications Commission, or such officers or employees as it may designate, to enter into contracts without prior advertising for bids, under the regulations prescribed by that Executive order: *Provided, however,* That the provisions of this order shall be applicable only to contracts relating to the prosecution of the war effort.

[Office of the Coordinator of Inter-American Affairs was changed to the Office of Inter-American Affairs by Ex. Ord. No. 9532, Mar. 23, 1945, 10 F. R. 3173. Its information functions were transferred to the Department of State by Ex. Ord. No. 9608, set out as a note under section 601 of this Appendix. The Office of Inter-American Affairs was terminated and its functions transferred to the Department of State by Ex. Ord. No. 9710, Apr. 10, 1946, 11 F. R. 3941.]

**Ex. ORD. 9219. EXTENSION OF EX. ORD. No. 9001 TO THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT**

Ex. Ord. No. 9219, Aug. 11, 1942, 7 F. R. 6381, provided:

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Office of Scientific Research and Development in the Office for Emergency Management with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Director of the Office of Scientific Research and Development, and such officers, employees, and agencies as he may designate, to perform and exercise as to that office all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

**Ex. ORD. No. 9221. EXTENSION OF EX. ORD. No. 9001 TO FEDERAL PRISON INDUSTRIES, INC.**

Ex. Ord. No. 9221, Aug. 15, 1942, 7 F. R. 6455, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to Federal Prison Industries, Inc., with respect to all contracts made or to be made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of Federal Prison Industries, Inc., and such officers and employees as said Board may designate, to perform and exercise, as to Federal Prison Industries, Inc., all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

**Ex. ORD. No. 9233. EXTENSION OF EX. ORD. No. 9001 TO BOARD OF ECONOMIC WARFARE**

Ex. Ord. No. 9233, Aug. 22, 1942, 7 F. R. 6703, was omitted under authority of Ex. Ord. No. 9361, set out as a note under section 601 of this Appendix, which terminated the Board of Economic Warfare and transferred its functions, powers, and duties to Office of Economic Warfare. Ex. Ord. No. 9380, set out as a note under section 601 of this Appendix consolidated the Office of Economic Warfare into the Foreign Economic Administration, which was terminated by Ex. Ord. No. 9630, set out as a note under section 601 of this Appendix and its functions redistributed to Departments of State, Commerce, and Agriculture, and the Reconstruction Finance Corporation.

**Ex. ORD. No. 9235. EFFECTIVE UTILIZATION OF SUPPLIES AND EQUIPMENT BY GOVERNMENT AGENCIES**

Ex. Ord. No. 9235, Sept. 3, 1942, 7 F. R. 6987, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354—77th Cong.) [sections 601—605 of this Appendix], by Title II of the Budget and Accounting Act, 1921 (42 Stat. 20) [Title 31, §§ 11, 13—24], and as President of the United States, and for the purpose of providing such general direction and control over the use of supplies and equipment in the Executive branch of the Government as will insure the most economical and effective utilization thereof, it is hereby ordered as follows:

1. As used in this order:

(a) *Government agency* means any executive department, independent establishment, agency, commission, board, bureau, division, administration, service, or office of the Executive branch of the Federal Government, including any independent regulatory commission or board and any Government-owned or Government-controlled corporation.

(b) *Supplies and equipment* means any and all supplies, equipment, machines, commodities, accessories, parts, assemblies, or products of any kind in the possession of any Government agency, whether new or used, in use or in storage: *Provided*, that supplies and equipment which the Director of the Bureau of the Budget determines to be within the following categories shall not be subject to this order: (1) tactical supplies and equipment of the War Department, the Navy Department, or the United States Maritime Commission, (2) food and clothing, (3) construction materials acquired for the maintenance or construction of housing, electric power works or facilities, roads, reservoirs, or other physical improvements, (4) supplies and equipment acquired by any Government agency for transfer or export to any foreign government, and (5) supplies and equipment acquired from foreign or domestic sources for stock piling in connection with the war.

2. The Director of the Bureau of the Budget, acting through such assistants as he may designate, shall:

(a) Survey supplies and equipment in possession of Government agencies and the utilization thereof. For this purpose he may require the Government agencies to submit reports and estimates in such form and at such times as he may find necessary: *Provided*, that in making

such surveys he shall utilize, subject to the approval of the Secretary of the Treasury, the services and facilities of the Procurement Division of the Treasury Department:

(b) Develop and promulgate such qualitative and quantitative standards with respect to supplies and equipment used by Government agencies as he may deem necessary to effectuate the purposes of this order;

(c) Require, when, in his opinion, such action is necessary or expedient, the transfer from one Government agency to another, for permanent or temporary use, of such supplies and equipment as he may determine to be surplus to the needs of one agency and essential to the needs of another agency;

(d) Consult with and seek the advice of the War Production Board in connection with the administration of paragraphs (a), (b), and (c) above;

(e) Issue such regulations and directives as may be necessary to effectuate this order.

3. The Procurement Division of the Treasury Department shall undertake such warehousing, rehabilitation, and physical distribution of supplies and equipment for Government agencies, and, in connection therewith, shall take over such Government warehouses, appurtenant facilities, and personnel used or employed by other Government agencies in the performance of these functions, together with such funds heretofore or hereafter provided therefor, as the Director of the Bureau of the Budget may approve.

4. This order shall become effective October 16, 1942, and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

5. This order shall be published in the Federal Register. [War Production Board, referred to in Ex. Ord. No. 9235, set out above, was terminated and its functions transferred to the Civilian Production Administration by Ex. Ord. No. 9638, set out as a note under section 601 of this Appendix. Thereafter the Civilian Production Administration, with other war agencies, was consolidated into the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under section 601 of this Appendix.]

**EX. ORD. NO. 9241. EXTENSION OF EX. ORD. NO. 9001 TO OFFICE OF STRATEGIC SERVICES, U. S. JOINT CHIEFS OF STAFF**

Ex. Ord. No. 9241, Sept. 1, 1942, 7 F. R. 7185, was omitted under authority of Ex. Ord. No. 9621, set out as a note under section 601 of this Appendix, which terminated the Office of Strategic Services and distributed its functions to the Department of State and the War Department.

**EX. ORD. NO. 9253. EXTENSION OF EX. ORD. NO. 9001 TO IMMIGRATION AND NATURALIZATION SERVICE**

Ex. Ord. No. 9253, Oct. 9, 1942, 7 F. R. 8081, provided in part: "I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Immigration and Naturalization Service, Department of Justice, with respect to contracts made or to be made by it for the feeding and care of persons in the custody of such Service; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Attorney General and such other officers and employees as he may designate, to perform and exercise, as to the Immigration and Naturalization Service, Department of Justice, all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order."

**EX. ORD. NO. 9264. EXTENSION OF EX. ORD. NO. 9001 TO CONTRACTS OF DEPARTMENT OF COMMERCE**

Ex. Ord. No. 9264, Nov. 5, 1942, 7 F. R. 9105, provided: By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) [section 611 of this Appendix], and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out above], to the Department of Commerce with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive Order, I

hereby authorize the Secretary of Commerce and such other officers as he may designate, to perform and exercise, as to the Department of Commerce, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

**EX. ORD. NO. 9269. MODIFYING FIXED FEE LIMITATION ON TREASURY DEPARTMENT CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES**

Ex. Ord. No. 9269, Nov. 11, 1942, 7 F. R. 9265, provided:

By virtue of the authority vested in me by the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [section 601 et seq. of this Appendix], and deeming that such action will facilitate the prosecution of the war, it is ordered as follows:

1. The provision in paragraph 7 of Title II of Executive Order No. 9001, dated December 27, 1941 [set out under this section], limiting the fixed fee to be paid as a result of any cost-plus-a-fixed-fee contract entered into under the authority of that order, shall not apply to contracts for architectural or engineering services entered into by the Treasury Department for the accomplishment of any project, or portion of a project, for which funds are allocated to the Treasury Department from any appropriation to carry out the provisions of the act entitled "An Act further to promote the defense of the United States, and for other purposes", approved March 11, 1941 (55 Stat. 31) [sections 411 and 412 of Title 22]; but the fixed fee to be paid for such architectural or engineering services under any cost-plus-a-fixed-fee contract for such services may be determined in accordance with such appropriate scale of fees as may be prescribed by the Secretary of the Treasury: *Provided*, that in no case shall any such fee exceed 4 per centum of the estimated cost (exclusive of all compensation for architectural or engineering services) to be paid by the Treasury Department from such allocated funds on account of the project in connection with which such services are employed.

2. Executive Order No. 9023 of January 14, 1942 [set out under this section], extending the provisions of the said Executive Order No. 9001 to contracts of the Treasury Department and other Government agencies, is modified accordingly.

**EX. ORD. NO. 9336. FINANCING ARRANGEMENTS TO FACILITATE THE PROSECUTION OF THE WAR**

Ex. Ord. No. 9336, Apr. 24, 1943, 8 F. R. 5515, was omitted under authority of Ex. Ord. No. 9380, set out as a note under section 601 of this Appendix, which consolidated the Office of Lend-Lease Administration into the Foreign Economic Administration, which was terminated by Ex. Ord. No. 9630, set out as a note under section 601 of this Appendix, and redistributed its functions to Departments of State, Commerce, and Agriculture, and the Reconstruction Finance Corporation, and act July 8, 1946, ch. 543, title II, § 202, 60 Stat. 501, set out as a note under section 1291 of this Appendix, which terminated the War Shipping Administration.

**EX. ORD. NO. 9519. EXTENSION OF EXECUTIVE ORDER NO. 9001 TO THE OFFICE OF WAR MOBILIZATION AND RECONVERSION, THE OFFICE OF CONTRACT SETTLEMENT, THE SURPLUS PROPERTY BOARD, AND THE RETRAINING AND REEMPLOYMENT ADMINISTRATION**

Ex. Ord. No. 9519, Feb. 7, 1945, 10 F. R. 1661, provided:

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 839) [this section], and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 [set out as a note under this section], to the Office of War Mobilization and Reconversion, the Office of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administration, with respect to all contracts made or to be made by such agencies; and, subject to the limitations and regulations contained in such Executive order, I hereby authorize the Director of War Mobilization and Reconversion, the Director of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administrator, and such

officers and employees as they may respectively designate, to perform and exercise, as to the Office of War Mobilization and Reconversion, the Office of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administration, respectively, all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

**EX. ORD. NO. 9592. EXTENSION OF EX. ORD. NO. 9001 TO CONTRACTS OF THE OFFICE OF WAR INFORMATION AND THE OFFICE OF ALIEN PROPERTY CUSTODIAN**

Ex. Ord. No. 9592, July 24, 1945, 10 F. R. 9205, was omitted under authority of Ex. Ord. No. 9608, set out as a note under this section, which abolished the Office of War Information, and Ex. Ord. No. 9788, set out as a note under section 6 of this Appendix which terminated the Office of Alien Property Custodian and transferred its functions to the Department of Justice.

#### CROSS REFERENCES

Fixed fee limited to six per centum of cost, see section 768 of this Appendix.

Settlement of claims for losses on contracts authorized by this section, see note under section 106 of Title 41, Public Contracts.

War and defense contract acts generally, see section 1151 et seq. of this Appendix.

### TITLE III.—TRADING WITH THE ENEMY

§ 616. Amendment of section 5 of this Appendix and section 95a of Title 12.

The first sentence of subdivision (b) of section 5 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended [section 95a of Title 12 and section 5 of this Appendix], is hereby amended to read as follows:

“(1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

“(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

“(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and

all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

“(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

“(3) As used in this subdivision the term ‘United States’ means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision.” (Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

#### PHILIPPINE INDEPENDENCE

Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, issued pursuant to section 1240 of Title 48, recognized the independence of the Philippine Islands as of July 4, 1946, and is set out as a note under said section.

#### CROSS REFERENCES

Jurisdiction of courts of Philippine Islands continued, see section 1276 of Title 48, Territories and Insular Possessions.

Transfer of President's powers to Alien Property Custodian, see Ex. Ord. No. 9095, set out in note under section 6 of this Appendix.

**§ 617. Confirmation of certain acts, etc., made under sections 1-6 and 7-38 of this Appendix.**

All acts, actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made, or issued by, or pursuant to the direction of, the President or the Secretary of the Treasury under the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended [sections 1-6 and 7-38 of this Appendix], which would have been authorized if the provisions of this Act and the amendments made by it had been in effect, are hereby approved, ratified, and confirmed. (Dec. 18, 1941, ch. 593, title III, § 302, 55 Stat. 840.)

**CROSS REFERENCES**

Transfer of President's powers to Alien Property Custodian, see Ex. Ord. No. 9095, set out in note under section 6 of this Appendix.

**§ 618. Censorship of communications; penalties and forfeitures.**

Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or Territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. (Dec. 18, 1941, ch. 593, title III, § 303, 55 Stat. 840.)

**EX. ORD. NO. 9631. TERMINATION OF THE OFFICE OF CENSORSHIP**

Ex. Ord. No. 9631, Sept. 28, 1945, 10 F. R. 12304, terminated on Nov. 15, 1945, the Office of Censorship which had been created by Ex. Ord. No. 8985, Dec. 19, 1941.

**§ 619. Addition of section 32 of this Appendix.**

**SEC. 304.** The Trading with the Enemy Act of October 6, 1917 (40 Stat. 411) [sections 1-6 and 7-31 of this Appendix], as amended, is hereby further amended by adding at the end thereof the following section:

"Sec. 32. (a) The President, or such officer or agency as he may designate, may return any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, when-

ever the President or such officer or agency shall determine—

"(1) that the person who has filed a notice of claim for return, in such form as the President or such officer or agency may prescribe, was the owner of such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian, or is the legal representative (whether or not appointed by a court in the United States), or successor in interest by inheritance, devise, bequest, or operation of law, of such owner; and

"(2) that such owner, and legal representative or successor in interest, if any, are not—

"(A) the government of a nation with which the United States has at any time since December 7, 1941, been at war; or

"(B) a corporation or association organized under the laws of such nation: *Provided*, That any property or interest or proceeds which, but for the provisions of this subdivision (B), might be returned under this section to any such corporation or association, may be returned to the owner or owners of all the stock of such corporation or of all the proprietary and beneficial interest in such association, if their ownership of such stock or proprietary and beneficial interest existed immediately prior to vesting in or transfer to the Alien Property Custodian and continuously thereafter to the date of such return (without regard to purported divestments or limitations of such ownership by any government referred to in subdivision (A) hereof) and if such ownership was by one or more citizens of the United States or by one or more corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia: *Provided further*, That such owner or owners shall succeed to those obligations, limited in aggregate amount to the value of such property or interest or proceeds, which are lawfully assertible against the corporation or association by persons not ineligible to receive a return under this section; or

"(C) an individual voluntarily resident at any time since December 7, 1941, within the territory of such nation, other than a citizen of the United States or a diplomatic or consular officer of a nation with which the United States has not at any time since December 7, 1941, been at war: *Provided*, That an individual who, while in the territory of a nation with which the United States has at any time since December 7, 1941, been at war, was deprived of life or substantially deprived of liberty pursuant to any law, decree or regulation of such nation discriminating against political, racial or religious groups, shall not be deemed to have voluntarily resided in such territory; or

"(D) an individual who was at any time after December 7, 1941, a citizen or subject of a nation with which the United States has at any time since December 7, 1941, been at war, and who on or after December 7, 1941, and prior to the date of the enactment of this section, was



present (other than in the service of the United States) in the territory of such nation or in any territory occupied by the military or naval forces thereof or engaged in any business in any such territory: *Provided*, That notwithstanding the provisions of this subdivision (D), return may be made to an individual who, as a consequence of any law, decree or regulation of the nation of which he was then a citizen or subject, discriminating against political, racial or religious groups, has at no time between December 7, 1941, and the time when such law, decree or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation; or

"(E) a foreign corporation or association which at any time after December 7, 1941, was controlled or 50 per centum or more of the stock of which was owned by any person or persons ineligible to receive a return under subdivisions (A), (B), (C), or (D) hereof: *Provided*, That notwithstanding the provisions of this subdivision (E), return may be made to a corporation or association so controlled or owned, if such corporation or association was organized under the laws of a nation any of whose territory was occupied by the military or naval forces of any nation with which the United States has at any time since December 7, 1941, been at war, and if such control or ownership arose after March 1, 1938, as an incident to such occupation and was terminated prior to the enactment of this section [March 8, 1946];

and

"(3) that the property or interest claimed, or the net proceeds of which are claimed, was not at any time after September 1, 1939, held or used, by or with the assent of the person who was the owner thereof immediately prior to vesting in or transfer to the Alien Property Custodian, pursuant to any arrangement to conceal any property or interest within the United States of any person ineligible to receive a return under subsection (a) (2) hereof;

"(4) that the Alien Property Custodian has no actual or potential liability under the Renegotiation Act [section 1191 of this Appendix] or the Act of October 31, 1942 (56 Stat. 1013; sections 89-96 of Title 35), in respect of the property or interest or proceeds to be returned and that the claimant and his predecessor in interest, if any, have no actual or potential liability of any kind under the Renegotiation Act [section 1191 of this Appendix] or the said Act of October 31, 1942 [sections 89-96 of Title 35]; or in the alternative that the claimant has provided security or undertakings adequate to assure satisfaction of all such liabilities or that property or interest or proceeds to be retained by the Alien Property Custodian are adequate therefor; and

"(5) that such return is in the interest of the United States.

"(b) Notwithstanding the limitation prescribed in the Renegotiation Act [section 1191 of this Appendix] upon the time within which petitions may be filed in The Tax Court of the United States, any person to whom any property or interest or pro-

ceeds are returned hereunder shall, for a period of ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) following return, have the right to file such a petition for a redetermination in respect of any final order of the War Contracts Price Adjustment Board determining excessive profits, made against the Alien Property Custodian, or of any determination, not embodied in an agreement, of excessive profits, so made by or on behalf of a Secretary.

"(c) Any person to whom any invention, whether patented or unpatented, or any right or interest therein is returned hereunder shall be bound by any notice or order issued or agreement made pursuant to the Act of October 31, 1942 (56 Stat. 1013; sections 89-96 of Title 35), in respect of such invention or right or interest, and such person to whom a licensor's interest is returned shall have all rights assertible by a licensor pursuant to section 2 of the said Act [section 90 of Title 35].

"(d) Except as otherwise provided herein, and except to the extent that the President or such officer or agency as he may designate may otherwise determine, any person to whom return is made hereunder shall have all rights, privileges, and obligations in respect to the property or interest returned or the proceeds of which are returned which would have existed if the property or interest had not vested in the Alien Property Custodian, but no cause of action shall accrue to such person in respect of any deduction or retention of any part of the property or interest or proceeds by the Alien Property Custodian for the purpose of paying taxes, costs, or expenses in connection with such property or interest or proceeds: *Provided*, That except as provided in subsections (b) and (c) hereof, no person to whom a return is made pursuant to this section, nor the successor in interest of such person, shall acquire or have any claim or right of action against the United States or any department, establishment, or agency thereof, or corporation owned thereby, or against any person authorized or licensed by the United States, founded upon the retention, sale, or other disposition, or use, during the period it was vested in the Alien Property Custodian, of the returned property, interest, or proceeds. Any notice to the Alien Property Custodian in respect of any property or interest or proceeds shall constitute notice to the person to whom such property or interest or proceeds is returned and such person shall succeed to all burdens and obligations in respect of such property or interest or proceeds which accrued during the time of retention by the Alien Property Custodian, but the period during which the property or interest or proceeds returned were vested in the Alien Property Custodian shall not be included for the purpose of determining the application of any statute of limitations to the assertion of any rights by such person in respect of such property or interest or proceeds.

"(e) No return hereunder shall bar the prosecution of any suit at law or in equity against a person to whom return has been made, to establish any right, title, or interest, which may exist or which may have existed at the time of vesting, in or to the property or interest returned, but no such suit may

be prosecuted by any person ineligible to receive a return under subsection (a) (2) hereof. With respect to any such suit, the period during which the property or interest or proceeds returned were vested in the Alien Property Custodian shall not be included for the purpose of determining the application of any statute of limitations.

“(f) At least thirty days before making any return to any person other than a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, the President or such officer or agency as he may designate shall publish in the Federal Register a notice of intention to make such return, specifying therein the person to whom return is to be made and the place where the property or interest or proceeds to be returned are located. Publication of a notice of intention to return shall confer no right of action upon any person to compel the return of any such property or interest or proceeds, and such notice of intention to return may be revoked by appropriate notice in the Federal Register. After publication of such notice of intention and prior to revocation thereof, the property or interest or proceeds specified shall be subject to attachment at the suit of any citizen or resident of the United States or any corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, in the same manner as property of the person to whom return is to be made: *Provided*, That notice of any writ of attachment which may issue prior to return shall be served upon the Alien Property Custodian. Any such attachment proceeding shall be subject to the provisions of law relating to limitation of actions applicable to actions at law in the jurisdiction in which such proceeding is brought, but the period during which the property or interest or proceeds were vested in the Alien Property Custodian shall not be included for the purpose of determining the period of limitation. No officer of any court shall take actual possession, without the consent of the Alien Property Custodian, of any property or interest or proceeds so attached, and publication of a notice of revocation of intention to return shall invalidate any attachment with respect to the specified property or interest or proceeds, but if there is no such revocation, the President or such officer or agency as he may designate shall accord full effect to any such attachment in returning any such property or interest or proceeds.

“(g) Without limitation by or upon any other existing provision of law with respect to the payment of expenses by the Alien Property Custodian, the Custodian may retain or recover from any property or interest or proceeds returned pursuant to this section or section 9 (a) of this Act [section 9 (a) of this Appendix] an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or interest or proceeds, or other property or interest or proceeds returned to the same person.” (Dec. 18, 1941, ch. 593, Title III, § 304, as added Mar. 8, 1946, ch. 83, § 1, 60 Stat. 50, and amended Aug. 8, 1946, ch. 878, § 2, 60 Stat. 930.)

## AMENDMENTS

1946—Subsec. (a) (2) amended by act Aug. 8, 1946, cited to text, which added provisos to subdivs. (C) and (D), respectively.

## § 620. Addition of sections 33–37 of this Appendix.

SEC. 305. The Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended [sections 1–6 and 7–32 of this Appendix], is hereby further amended by inserting after section 32 thereof, and before the section added by Public Law 382, Seventy-ninth Congress [section 38 of this Appendix], the following sections:

“SEC. 33. No return may be made pursuant to section 9 (a) or 32 (a) [section 9 (a) or 32 (a) of this Appendix] unless notice of claim for return has been filed within two years from the seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which the claim is made or within two years from the date of enactment of this section, whichever is later. No suit pursuant to section 9 (a) [section 9 (a) of this Appendix] may be instituted after the expiration of two years from the date of seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which relief is sought or from the date of enactment of this section, whichever is later, but in computing such two years there shall be excluded any period during which there was pending a suit or claim for return pursuant to section 9 (a) or 32 hereof [section 9 (a) or 32 of this Appendix].

“SEC. 34. (a) Any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, shall be equitably applied by the Custodian in accordance with the provisions of this section to the payment of debts owed by the person who owned such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian. No debt claim shall be allowed under this section if it was not due and owing at the time of such vesting or transfer, or if it arose from any action or transactions prohibited by or pursuant to this Act [sections 1–6, 7–38 of this Appendix] and not licensed or otherwise authorized pursuant thereto, or (except in the case of debt claims acquired by the Custodian) if it was at the time of such vesting or transfer due and owing to any person who has since the beginning of the war been convicted of violation of this Act [said sections], as amended, sections 1–6 of the Criminal Code [sections 1–6 of Title 18], title I of the Act of June 15, 1917 (ch. 30, 40 Stat. 217), as amended [sections 31–38 of this title]; the Act of April 20, 1918 (ch. 59, 40 Stat. 534), as amended [sections 101–103 of this title]; the Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended [sections 611–621 of Title 22]; the Act of January 12, 1938 (ch. 2, 52 Stat. 3 [sections 45–45d of this title]); title I, Alien Registration Act, 1940 (ch. 439, 54 Stat. 670 [sections 9–13 of Title 18]); the Act of October 17, 1940 (ch. 897, 54 Stat. 1201 [sections 14–17 of Title 18]); or the Act of June 25, 1942 (ch. 447, 56 Stat. 390 [sections 781–785 of this Appendix]). Any defense to the payment of such

claims which would have been available to the debtor shall be available to the Custodian, except that the period from and after the beginning of the war shall not be included for the purpose of determining the application of any statute of limitations. Debt claims allowable hereunder shall include only those of citizens of the United States or of the Philippine Islands; those of corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia or the Philippine Islands; those of other natural persons who are and have been since the beginning of the war residents of the United States and who have not during the war been interned or paroled pursuant to the Alien Enemy Act [section 21 of this title]; and those acquired by the Custodian. Legal representatives (whether or not appointed by a court in the United States) or successors in interest by inheritance, devise, bequest, or operation of law of debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

“(b) The Custodian shall fix a date or dates after which the filing of debt claims in respect of any or all debtors shall be barred, and may extend the time so fixed, and shall give at least sixty days’ notice thereof by publication in the Federal Register. In no event shall the time extend beyond the expiration of two years from the date of the last vesting in or transfer to the Custodian of any property or interest of a debtor in respect of whose debts the date is fixed, or from the date of enactment of this section, whichever is later. No debt shall be paid prior to the expiration of one hundred and twenty days after publication of the first such notice in respect of the debtor, nor in any event shall any payment of a debt claim be made out of any property or interest or proceeds in respect of which a suit or proceeding pursuant to this Act [sections 1-6, 7-38 of this Appendix] for return is pending and was instituted prior to the expiration of such one hundred and twenty days.

“(c) The Custodian shall examine the claims, and such evidence in respect thereof as may be presented to him or as he may introduce into the record, and shall make a determination, with respect to each claim, of allowance or disallowance, in whole or in part.

“(d) Payment of debt claims shall be made only out of such money included in, or received as net proceeds from the sale, use, or other disposition of, any property or interest owned by the debtor immediately prior to its vesting in or transfer to the Alien Property Custodian, as shall remain after deduction of (1) the amount of the expenses of the Office of Alien Property Custodian (including both expenses in connection with such property or interest or proceeds thereof, and such portion as the Custodian shall fix of the other expenses of the Office of Alien Property Custodian), and of taxes, as defined in section 36 hereof [section 36 of this Appendix], paid by the Custodian in respect of such property or interest or proceeds, and (2) such amount,

if any, as the Custodian may establish as a cash reserve for the future payment of such expenses and taxes. If the money available hereunder for the payment of debt claims against the debtor is insufficient for the satisfaction of all claims allowed by the Custodian, ratable payments shall be made in accordance with subsection (g) hereof to the extent permitted by the money available and additional payments shall be made whenever the Custodian shall determine that substantial further money has become available, through liquidation of any such property or interest or otherwise. The Custodian shall not be required through any judgment of any court, levy of execution, or otherwise to sell or liquidate any property or interest vested in or transferred to him, for the purpose of paying or satisfying any debt claim.

“(e) If the aggregate of debt claims filed as prescribed does not exceed the money from which, in accordance with subsection (d) hereof, payment may be made, the Custodian shall pay each claim to the extent allowed, and shall serve by registered mail, on each claimant whose claim is disallowed in whole or in part, a notice of such disallowance. Within sixty days after the date of mailing of the Custodian’s determination, any debt claimant whose claim has been disallowed in whole or in part may file in the District Court of the United States for the District of Columbia a complaint for review of such disallowance naming the Custodian as defendant. Such complaint shall be served on the Custodian. The Custodian, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to the claim in question. Upon good cause shown such time may be extended by the court. Such record shall include the claim as filed, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, and the determination of the Custodian with respect thereto, including any findings made by him. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian, or could not reasonably have been adduced before him or was not available to him. The court shall enter judgment affirming, modifying, or reversing the Custodian’s determination, and directing payment in the amount, if any, which it finds due.

“(f) If the aggregate of debt claims filed as prescribed exceeds the money from which, in accordance with subsection (d) hereof, payment may be made, the Custodian shall prepare and serve by registered mail on all claimants a schedule of all debt claims allowed and the proposed payment to each claimant. In preparing such schedule, the Custodian shall assign priorities in accordance with the provisions of subsection (g) hereof. Within sixty days after the date of mailing of such schedule, any claimant considering himself aggrieved may file in the District Court of the United States for the District of Columbia a complaint for review of such schedule, naming the Custodian as defendant. A copy of such complaint shall be served upon the

Custodian and on each claimant named in the schedule. The Custodian, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to such schedule. Upon good cause shown such time may be extended by the court. Such record shall include the claims in question as filed, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, any findings or other determinations made by the Custodian with respect thereto, and the schedule prepared by the Custodian. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian or could not reasonably have been adduced before him or was not available to him. Any interested debt claimant who has filed a claim with the Custodian pursuant to this section, upon timely application to the court, shall be permitted to intervene in such review proceedings. The court shall enter judgment affirming or modifying the schedule as prepared by the Custodian and directing payment, if any be found due, pursuant to the schedule as affirmed or modified and to the extent of the money from which, in accordance with subsection (d) hereof, payment may be made. Pending the decision of the court on such complaint for review, and pending final determination of any appeal from such decision, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

"(g) Debt claims shall be paid in the following order of priority: (1) Wage and salary claims, not to exceed \$600; (2) claims entitled to priority under sections 191 and 193 of Title 31, except as provided in subsection (h) hereof; (3) all other claims for services rendered, for expenses incurred in connection with such services, for rent, for goods and materials delivered to the debtor, and for payments made to the debtor for goods or services not received by the claimant; (4) all other debt claims. No payment shall be made to claimants within a subordinate class unless the money from which, in accordance with subsection (d) hereof, payment may be made permits payment in full of all allowed claims in every prior class.

"(h) No debt of any kind shall be entitled to priority under any law of the United States or any State, Territory, or possession thereof, or the District of Columbia, solely by reason of becoming a debt due or owing to the United States as a result of its acquisition by the Alien Property Custodian.

"(i) The sole relief and remedy available to any person seeking satisfaction of a debt claim out of any property or interest which shall have been vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the proceeds thereof, shall be the relief and remedy provided in this section, and suits for the satisfaction of debt claims shall not be instituted, prosecuted, or further maintained except in conformity with this section: *Provided*, That no person asserting any interest, right, or title in any property or interest or

proceeds acquired by the Alien Property Custodian, shall be barred from proceeding pursuant to this Act for the return thereof, by reason of any proceeding which he may have brought pursuant to this section; nor shall any security interest asserted by the creditor in any such property or interest or proceeds be deemed to have been waived solely by reason of such proceeding. The Alien Property Custodian shall treat all debt claims now filed with him as claims filed pursuant to this section. Nothing contained in this section shall bar any person from the prosecution of any suit at law or in equity against the original debtor or against any other person who may be liable for the payment of any debt for which a claim might have been filed hereunder. No purchaser, lessee, licensee, or other transferee of any property or interest from the Alien Property Custodian shall, solely by reason of such purchase, lease, license, or transfer, become liable for the payment of any debt owed by the person who owned such property or interest prior to its vesting in or transfer to the Alien Property Custodian. Payment by the Alien Property Custodian to any debt claimant shall constitute, to the extent of payment, a discharge of the indebtedness represented by the claim.

"SEC. 35. The officer or agency empowered to entertain claims under sections 9 (a), 32, and 34 hereof [sections 9 (a), 32, and 34 of this Appendix] shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpoenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by sections 9 (a), 32, and 34 hereof [said sections] may be exercised through subordinate officers designated by such officer or agency.

"SEC. 36. (a) The vesting in or transfer to the Alien Property Custodian of any property or interest (other than any property or interest acquired by the United States prior to December 18, 1941), or the receipt by him of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period prior or subsequent to the date of such vesting or transfer, nor render applicable the exemptions provided in title II of the Social Security Act [sections 401-409 of Title 42] with respect to service performed in the employ of the United States Government or of any instrumentality of the United States.

"(b) The Alien Property Custodian shall, notwithstanding the filing of any claim or the institution of any suit under this Act [sections 1-6, 7-38 of this Appendix], pay any tax incident to any such property or interest, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, interest, earnings, increment, or proceeds are held by the Alien Property Custodian, unless they are returned

pursuant to this Act [said sections] without payment of such tax by the Alien Property Custodian. Every such tax shall be paid by the Alien Property Custodian to the same extent, as nearly as may be deemed practicable, as though the property or interest had not been vested in or transferred to the Alien Property Custodian, and shall be paid only out of the property or interest, or earnings, increment, or proceeds thereof, to which they are incident or out of other property or interests acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or interest or the earnings, increment, or proceeds thereof while held by the Alien Property Custodian except with his consent. Where any property or interest is transferred, otherwise than pursuant to section 9 (a) or 32 hereof [section 9 (a) or 32 of this Appendix], the Alien Property Custodian may transfer the property or interest free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property or interest in the hands of the Alien Property Custodian.

“(c) Subject to the provisions of subsection (b) hereof, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the Custodian with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessment, collection, refund, or credit of Federal taxes shall be suspended, with respect to any vested property or interest, or the earnings, increment or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

“(d) The word ‘tax’ as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Custodian.

“(e) Any tax exemption accorded to the Alien Property Custodian by specific provision of existing law shall not be affected by this section.

“Sec. 37. The Alien Property Custodian may procure insurance in such amounts, and from such insurers, as he believes will adequately protect him against loss in connection with property or interest or proceeds held by him.” (Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925.)

#### TITLE IV.—TIME LIMIT AND SHORT TITLE

§ 621. Termination of sections 601-605, and 611 of this Appendix.

Titles I and II of this Act [sections 601-605, and 611 of this Appendix] shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate. (Dec. 18, 1941, ch. 593, title IV, § 401, 55 Stat. 841.)

#### CROSS REFERENCES

Limitation of act, see section 775 of this Appendix.

§ 622. Short title.

This Act may be cited as the “First War Powers Act, 1941.” (Dec. 18, 1941, ch. 593, title IV, § 402, 55 Stat. 841.)

#### SECOND WAR POWERS ACT, 1942

ACT MAR. 27, 1942, 3 P. M., E. W. T., CH. 199, 56 STAT. 176

#### TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

Sec.

631. Interstate Commerce Act amendments; section 304 of Title 49.

631a. Same; section 310a of Title 49.

631b. Same; section 911 of Title 49.

#### TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

632. Real property for war purposes.

632a. Same; termination of authority.

#### TITLE III.—PRIORITIES POWERS

633. Amendment of section 1152 of this Appendix.

#### TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

634. Federal Reserve Act amendment.

#### TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

635. Authorization of waiver by responsible department or agency head.

#### TITLE VI.—POWER TO REQUISITION

636, 636a. Amendments of section 721 of this Appendix.

#### TITLE VII.—POLITICAL ACTIVITY

637. Amendment of section 61h of Title 18.

#### TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

638. Utilization of Civilian Conservation Corps.

#### TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

639. Repealed.

639a. First-class mail matter; termination date.

#### TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

640. Amendment of Nationality Act of 1940.

#### TITLE XI.—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

641-641f. Repealed.